To be returned when done with.

INDIAN CONSTITUTIONAL REFORM.

REPORTS

OF

THE FRANCHISE COMMITTEE

AND

THE COMMITTEE ON DIVISION OF FUNCTIONS.

Appt. Dept

2/11

30

TABLE OF CONTENTS.

1. Letter from Lord Southborough, dated February 26th, 1919.

2. Report of the Franchise Committee.

3. Report of the Committee on Division of Functions.

FROM

THE RIGHT HON'BLE LORD SOUTHBOROUGH,
G.C.B., G.C.M.G., G.C.V.O.,

To

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL,
DELHI.

Dated Delhi, the 26th February 1919.

YOUR EXCELLENCY,

I have the honour to forward herewith the reports of the two Reforms Committees, namely, that of the Franchise Committee and that of the Committee on Division of Functions, with their relative appendices, for transmission to the Secretary of State for India.

2. When such a procedure has been desirable I have presided over meetings of the Committees sitting in joint session, but such a course has been but seldom necessary. The two Committees so arranged their programme of business that they made their tour through the presidencies and provinces together and have always been in a position to exchange interviews on the matters referred to them.

I have the honour to remain,

Your Excellency's most obedient servant,

SOUTHBOROUGH.

THE FRANCHISE COMMITTEE

1918—1919

LIST OF MEMBERS

President.

The Right Hon'ble Lord SOUTHBOROUGH, G.C.B., G.C.M.G., G.C.V.O.

Members.

Sir FRANK G. SLY, K.C.S.I., I.C.S. (*Deputy Chairman.*)

Sahibzada AFTAB AHMED KHAN.

Mr. W. M. HAILEY, C.S.I., C.I.E., I.C.S.

The Hon'ble Babu SURENDRA NATH BANERJEA.

The Hon'ble Mr. MALCOLM N. HOGG.

The Hon'ble Mr. SRINIVASA SASTRI.

Mr. P. C. TALLENTS, I.C.S. (*Secretary.*)

354.54
In 39

TABLE OF CONTENTS.

	Page
The Report	1
Appendices I—VIII.—Schemes for the constitution of and elections to the Provincial Legislative Councils.	
Appendix I.—Madras Presidency	19
" II.—Bombay Presidency, including Sind	29
" III.—Bengal Presidency	37
" IV.—United Provinces of Agra and Oudh	45
" V.—Province of the Punjab	53
" VI.—Province of Bihar and Orissa	61
" VII.—Central Provinces and Berar	69
" VIII.—Province of Assam	75
Appendix IX.—Scheme for the constitution of and elections to the Indian Legislative Assembly	81
Appendix X.—Scheme for the constitution of and elections to the Council of State	87
Appendix XI.—Suggestions for the definition of the terms "European" and "Anglo-Indian"	91
Appendix XII.—Names of Added Members	93
Appendix XIII.—List of witnesses examined before the Committee	95
Appendix XIV.—The original proposals of the Local Governments for the constitution of and elections to the Provincial Legislative Councils and the representation of the different Provinces on the Indian Legislative Assembly and the Council of State.	
1. Madras	103
2. Bombay	133
3. Bengal	155
4. The United Provinces	193
5. The Punjab	203
6. Bihar and Orissa	227
7. The Central Provinces	247
8. Assam	265
Appendix XV.—Letters from certain leaders of the non-Brahman Hindus in Madras declining to appear before the Committee	281

FRANCHISE COMMITTEE.

To

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

YOUR EXCELLENCY,

In accordance with the directions of the Right Hon'ble the Secretary of State for India, we have the honour to forward to Your Excellency, for submission to the Secretary of State, our report on questions connected with franchise.

2. The terms of reference to us were as follows :—

I. As regards provincial legislative Councils—

(1) to advise on franchises and constituencies in each province with the object of securing as broad a franchise and as representative a council as present circumstances in each province permit (Report, paragraph 226);

(2) to devise means for direct election as far as possible (paragraph 226);

(3) to advise how far representation can be adequately and effectively secured by territorial electorates, or where circumstances seem to require it in order to secure adequate representation of minorities, of special interests or of backward classes, by (*i*) special or communal electorates; or (*ii*) reserving elective seats for special classes in plural constituencies; or (*iii*) nomination in such measure as the exigencies of fair and adequate representation entail (paragraph 232); or (*iv*) other expedients, for instance proportional representation, etc.;

(4) to advise as to the number of nominated official members;

(5) as a result of (1) to (4), to propose a complete scheme for size and composition of each provincial council.

II. As regards the Indian Legislative Assembly :

(1) to consider the best means of constituting that body in accordance with the recommendations in paragraphs 273 to 275 of the Report without necessarily adhering to the exact numerical strength suggested, and, particularly,

(2) to advise on the possibility of direct elections, and if such a system is found feasible to propose franchise and constituencies : otherwise to propose a scheme of indirect election.

III. As regards the Council of State —

(1) to advise as to the method of election to that body in accordance with the schemes set forth in paragraph 277, and in particular,

(2) to consider (*a*) the material available for the six special constituencies; and (*b*) the provisions necessary for securing that the special Muhammadan and landed members should, as far as possible, be representative of the whole of India.

IV. In examining the above questions the Committee will have regard to the decision of the Government of India as to the areas which are to be the subject of special treatment (paragraph 199).

3. In making our enquiry we have borne in mind the observations and recommendations contained in the following paragraphs of the Joint Report of Your Excellency and the Secretary of State on Indian Constitutional Reforms, which bear directly upon the questions referred to us:

Relevant portions of the Report on Indian Constitutional Reforms.

Defects of the existing electoral system—paragraphs 83 and 84.

Conditions of the problem—paragraphs 131 to 155.

Treatment of backward tracts—paragraph 199.

Constitution of provincial legislatures and representation of minorities—paragraphs 225 to 233.

Grand Committees—paragraph 252.

The Indian Legislative Assembly—paragraphs 273 to 275.

The Council of State—paragraph 277.

Our report must be read with reference to and in the light of these paragraphs.

4. We have visited the three presidencies of Bengal, Madras and Bombay and also Bihar and Orissa, the United Provinces of Agra and Oudh, the Punjab and the Central Provinces. We have held sittings for the purpose of taking evidence in the three presidency towns and at Patna, Lucknow, Lahore and Nagpur. At each of these places we had the advantage, after hearing the local evidence, of meeting the heads of the respective local governments and (in cases where the system of executive council government is in force) also the members of the Executive Councils, and of discussing with them questions relating to the franchise scheme for their respective provinces. With regard to Assam the Chief Commissioner arranged that the evidence for that province should be brought before us at sittings which we held in Calcutta, where we also had the advantage of discussing with him important questions connected with the franchise scheme for his province.

Method of our enquiry

During our enquiry into the case of each province, we were joined in our deliberations by two added members (one official and one non-official) appointed by the respective local governments with a view to the adequate representation of the local conditions. We desire to take this opportunity of expressing our obligations to our added members (whose names are given in appendix XII) for the great assistance which we have obtained from them. Not only did they take a share in the examination of the evidence and in deliberating upon the franchise scheme, but in several cases they supplied us with memoranda of their views.

The names of the witnesses who gave evidence before us and (in the case of representative witnesses) of the bodies or associations on whose behalf they appeared, will be found in appendix XIII to this report. We have kept a record of the evidence given before us and have deposited it with the Home Department of the Government of India. In appendix XIV will be found the original proposals of the various local governments in regard to franchise schemes together with a note of the proceedings at our meetings with the governments of the various provinces. We have also incorporated in that appendix such amended proposals or further memoranda as were subsequently furnished to us by those governments.

As a result of this procedure, we are in a position to place before Your Excellency and the Secretary of State detailed recommendations relating to the matters stated in our terms of reference.

PROVINCIAL LEGISLATIVE COUNCILS.

5. Our proposals for the constitution of and election to the provincial legislative councils are embodied in eight schemes which will be found set out in appendices I to VIII to this report. While we take full responsibility for the recommendations which we have embodied in these schemes, it is a satisfaction to us that, in framing proposals for Bengal, Bihar and Orissa, the United Provinces, the Punjab and the Central Provinces, we have found it possible to

adhere to the general lines of the schemes which the local governments prepared for our consideration. We are glad that in many cases our amendments to the original schemes of these governments are such as they in subsequent communications with us were prepared to approve.

The government of Bombay placed before us a scheme which contained alternative views on some of the main problems of representation. We desire to thank His Excellency Sir George Lloyd who, at the time of our arrival in Bombay, had been in office for only five weeks, for the great assistance afforded to us. We must also record our obligations to our added member, Mr. L. C. Crump, I.C.S, for procuring for us the additional information which we required to enable us to complete the franchise scheme for this presidency.

In Madras the government proposed two alternative schemes The first (Scheme A) was based wholly on communal electorates, and commended itself to them as necessary for a council with such powers as are contemplated in the Joint Report The second (Scheme B) was based on a system of territorial electorates with a communal electorate for Muhammadans only, and was recommended for adoption should the council continue to exercise, as at present, functions which are mainly advisory. We were precluded by our terms of reference from considering these alternative schemes under the limitations suggested by the local government, but we found the material embodied in Scheme B of assistance to us in preparing our proposals for the presidency. Our deliberations were assisted by our discussion with the Governor in Council of several problems that arose from the evidence presented to us.

Statistical Summary. Exclusion of backward tracts.

6. We have prefaced our scheme for each province with a brief statistical summary of the salient facts regarding its area and the composition of its population. We have given in each case figures relating to those backward tracts which the local government has proposed to exclude from the operation of the scheme and which are referred to in item IV of our terms of reference. The Government of India have not communicated to us their decision on these proposals. Where we understand that questions relating to these backward tracts will be dealt with in the legislative council, we have provided for their representation by nomination, but where the local government proposes to exclude them entirely from the purview of the legislative council, no such provision has been made.

Franchise Proposals.

Disqualifications.

7. In our recommendations regarding the franchise we have first laid down the general disqualifications of electors, which are common to all provinces. In accordance with the preponderating weight of the evidence received by us, we propose to disqualify women, persons under 21 years of age, subjects of any foreign State (but not of a Native State in India), and persons of unsound mind. The only one of these recommendations requiring discussion is that relating to the disqualification of women.

Female Suffrage.

8. We received numerous petitions from women of the educated classes urging the cause of female suffrage on the same property qualifications as for men, or at least the admission of women graduates to the franchise. More than one lady appeared before us to support this view. Several political associations, especially in Bombay and Madras, urged the same cause, but during the oral examination of their representatives we found reason to believe that female suffrage was advocated rather on general grounds than on considerations of practicability. None of the local governments advised the extension of the franchise to women, though the Chief Commissioner of Assam proposed a franchise for European women, and the Bombay government were divided on the point.

In some provinces the municipal franchise includes women, but the evidence placed before us showed that it is sparingly exercised, except perhaps in Bombay city. We are satisfied that the social conditions of India make it

premature to extend the franchise to Indian women at this juncture, when so large a proportion of male electors require education in the use of a responsible vote. Further, until the custom of seclusion of women, followed by many classes and communities, is relaxed, female suffrage would hardly be a reality; it would be out of harmony with the conservative feeling of the country; and it would involve grave difficulties in the actual recording of votes. Whilst fully appreciating the object of those who advocate this measure as an aid to the emancipation of women, we have decided not to recommend the extension of the suffrage to them, but are of opinion that at the next revision (as contemplated by the Joint Report) of the constitutions of the councils the matter should be reconsidered in the light of the experience gained of the working of the electoral system and of social conditions as they then exist.

We have, however, to record that one of our members (Mr. Hogg) is of opinion that, while there may be no very general demand for female suffrage at present, no strong opposition to it was revealed by the evidence, and that therefore it is advisable to remove the sex disqualification at the outset of the development of responsible government in India. He would not, however, be in favour of making any special or separate arrangements for the recording of women's votes.

Qualifications of electors

9. Our general proposals for the franchise are based upon the principle of residence within the constituency and the possession of certain property qualifications as evidenced by the payment of land revenue, rent or local rates in rural areas, and of municipal rates in urban areas, and of income tax generally. In tracts where the land revenue is subject to periodical revision, land revenue has been adopted as the best measure of property qualification, but in tracts where the land revenue is permanently settled, we have substituted the payment of local rates, which are based on a periodical rental valuation. In only rare cases have we been obliged, in the absence of a suitable basis of taxation, to have recourse to a qualification based on the possession of immoveable property. We have thought it desirable to depart from the above principles in one important respect, in so far as we recommend the enfranchisement of all retired and pensioned officers of the Indian Army, whether of commissioned or non-commissioned rank. This step was universally and strongly advocated in the Punjab, and we have considered it advisable to extend it to all provinces.

In our recommendations we have not attempted to define the franchise qualifications and similar matters with that precision of phraseology which will be required in the regulations of each province; but our proposals will, we trust, form a suitable basis for the drafting of the necessary regulations.

Scheme of electorates.

10. In prescribing the amount of the property qualification, we have been guided by the principle enunciated in paragraph 226 of the Joint Report that the franchise should be as broad as possible, consistently with the avoidance of any such inordinate extension as might lead to a breakdown of the electoral machinery through sheer weight of numbers. In the case of each province we have satisfied ourselves that our proposals do not overstep this limit. The large proportion of illiterate voters may no doubt cause practical difficulty, but the problem is not a new one in India, and a similar problem has already been faced with success in municipal elections by the use of coloured ballot boxes and other like devices. We are satisfied that a considerable amount of non-official assistance from honorary magistrates and other persons of local position will be available to assist the officers of government in working the electoral machinery. We have not thought fit to impose any literacy test, although this course was urged by some witnesses, since this would exclude many electors who are competent to manage their own affairs. Nor have we sought to attain uniformity in the standard of property qualification for the various provinces. We have relied largely upon the local experience of the government witnesses who appeared before us, and have not hesitated to recommend differing qualifications even within the same province where we were satisfied that social and economic differences justified the discrimination. We have,

however, proposed the same qualification for all communities within the same area, although this will enfranchise a smaller proportion of Muhammadans than of non-Muhammadans. We consider that this is more desirable than to lower the qualification for a particular community. The qualifications adopted by us will result in enfranchising a substantially higher proportion of the urban than of the rural population, a result which we believe to be justified by the higher standard of wealth and intelligence in the towns.

Size of electorates

11. The following table shows the number of electors in each province according to the rough estimates prepared for us :—

Province.	Total population.	Urban electors	Rural electors	Total electors.
Madras	39,827,885	32,000	510,000	542,000
Bombay	19,580,312	149,000	504,000	653,000
Bengal	45,063,697	106,000	1,122,000	1,228,000
United Provinces	47,182,044	64,500	1,419,000	1,483,500
Punjab	19,565,013	77,000	160,000	237,000
Bihar and Orissa	32,446,461	58,500	517,500	576,000
Central Provinces	12,269,638	39,500	120,000	159,500
Assam	6,000,000			300,000

It must be borne in mind that the total population of the provinces includes very large classes such as the "depressed classes" and aborigines which furnish few or no voters and will be represented by nomination.

We desire to record that in the case of the rural franchises in the provinces of Bihar and Orissa and the United Provinces, one of our members (Mr. Hailey) would have preferred that the rental qualification should be raised in the case of Bihar and Orissa from Rs. 16, 64 and 48 to Rs. 32, 96 and 64 respectively, and in the case of the United Provinces from Rs. 50 and 25 to Rs. 100 and 50 for the revenue and rental qualifications. He considers that in each case the electorate would be reduced to a more manageable size, and the representation of the landlord and tenant interests more equally balanced. The lower standard was, however, in each case proposed by the local government, and the other members of the Committee are not prepared to recommend the placing of the qualification at a higher level than was proposed by the local governments, being satisfied that the lower level would not produce an unmanageable number of voters, and would not include in the electoral roll persons of an average status inferior to those whom it is proposed to enfranchise in other provinces.

On the other hand, another of our members (Sahibzada Aftab Ahmed) is anxious to see a substantial reduction both in the rural and urban qualifications proposed for the Punjab, so as to secure a material increase in the number of electors, more nearly approximating to that proposed for the United Provinces. He points out that the population of the Punjab consists mainly of small peasant proprietors, who are likely to be better fitted both to use the vote and to appreciate the education derived from its exercise, than the large number of tenants enfranchised in other provinces, that this class has rendered conspicuous services to the State during the war, and that there is, in his opinion, a general feeling in the Punjab that the province should not be refused political privileges granted in other parts of India. The standard which we have adopted was, however, proposed by the local government, which was strongly adverse to a lowering of the standard until further experience of the working of the franchise had been gained. We were not prepared to overrule this view, but we think it likely that, at the next revision of the constitutional arrangements of the province, it may be found possible to adopt a somewhat lower franchise qualification.

Direct election with territorial constituencies.

12. In paragraph 83 of the Joint Report reference is made to the restricted nature of the existing franchise, and this is further illustrated by the statistics of the present number of electors given in the statistical summary of each province. Except in the case of Muhammadans in some provinces, the general population is represented only by a system of indirect election through members of

municipal and district boards. If our proposals are accepted, a large number of electors will for the first time have an opportunity of choosing their representatives by direct election. We have endeavoured to adopt the district as the territorial area for constituencies; it is a well recognised administrative unit, with generally homogeneous interests, and affords the most convenient basis for the preparation of the electoral roll and the organization of electoral machinery. We have departed from this principle in the case of cities with a large population, which have been recognised as separate constituencies. The smaller towns have usually been merged into the rural constituencies, and only where local circumstances rendered such a course unsuitable have we grouped these towns into separate urban constituencies. It will be observed that the amount of representation given to urban constituencies is on a liberal basis as compared with their population, but here also we consider this to be justified by their superior standard of wealth and intelligence and by the larger interest evinced in political questions. The towns have, moreover, a more extended experience of the use of the franchise, since it has been more widely exercised in municipal than in rural local self-government. So far as practicable, we have endeavoured to provide at least one seat in each district; but it has been necessary to group districts together in order to form constituencies for the representation of communal minorities where their numbers are small. As regards the allocation of seats, we have followed no single principle, but have endeavoured to allot seats proportionately to the importance of the constituency measured by a combination of factors such as population, estimated number of voters and other local conditions. In this matter we have, where practicable, followed closely the proposals made to us by the local governments.

Single and plural member constituencies.

13. In view of the fact that the franchise will be extended to a large proportion of electors inexperienced in the exercise of the vote, we consider that it is necessary at present to adopt the most simple method of election. Thus, we contemplate as a general rule single member constituencies, but our detailed proposals have a latitude to the local governments in cases where a rigid insistence on this rule is unsuited to the local conditions, especially in the presidencies of Madras and Bombay where special circumstances may make it desirable to form plural member constituencies. In preparing our proposals for the formation of constituencies we have been much assisted by the material placed before us by the local governments. We have, however, to recognize that the estimates of the number of electors are at present necessarily imperfect, and may have to be substantially modified. Further, the local governments may wish to recommend minor adjustments of the geographical groupings of areas into constituencies. We accordingly suggest that, after statutory effect has been given to our recommendations, local governments should be free to bring forward, for the consideration of Your Excellency in Council, proposals for any changes in detail they may deem necessary in the constituencies which we recommend, provided that the size and composition of the councils and the franchise qualifications remain unaltered.

Methods of voting.

14. For reasons similar to those in the preceding paragraph we are opposed to the introduction of the more elaborate systems of voting, such as Proportional Representation, the Limited Vote and the Cumulative Vote, although we have allowed the latter system to continue in Bombay City, where the voters have had experience of it for some years in municipal elections, and where there is a general feeling in favour of its retention. We recommend that plural voting should be forbidden save, of course, in the sense that, where a constituency returns more than one member, each elector will have as many votes as there are to be members. This statement applies to all general and communal constituencies, but not to the case of the constituencies formed for the representation of special interests referred to in a later portion of this report. Where an elector is entitled to a vote in one or more of such constituencies, he will also be allowed, in addition, to exercise his vote in one general or communal constituency. We consider that, so far as possible, the arrangements should admit of the completion of the election in each constituency in a single day, though elections throughout the province may extend over a longer period.

Communal Representation.

15. The Joint Report (paragraphs 231 and 232) recognizes the necessity for the communal representation of Muhammadans in provinces where they do not form a majority of electors. The evidence received by us and the opinions of local governments concerned were almost unanimous in favour of this course. In all provinces, except Bengal and the Punjab, Muhammadans are in a minority as regards both population and electors. In Bengal and the Punjab, where Muhammadans form a majority of the population, our rough estimates show that they form a minority of electors. There was very general agreement in favour of communal representation for Muhammadans in those provinces as well as in the rest of India, and the local governments urged the same step. Both Hindus and Muhammadans are thus in substantial agreement, that the latter should everywhere enjoy communal electorates, and we have no hesitation in recommending that effect should be given to this common desire. We have consequently provided for the preparation of separate Muhammadan and non-Muhammadan electoral rolls, and for separate Muhammadan constituencies. In allocating the proportion of Muhammadan and non-Muhammadan seats, we have been generally urged to follow the agreement reached by the political representatives of the two parties at the joint session of the Indian National Congress and All-India Muslim League held at Lucknow in December 1916, referred to in paragraph 163 of the Joint Report, under which certain proportions were fixed for the amount of Muhammadan representation in the provincial and imperial legislative councils. The great majority of Indian witnesses and the representatives of associations, political and non-political alike, not excluding those in which Hindu interests preponderate, adhered to this compact, and it seems to us that any departure from its terms would revive in an aggravated form a controversy which it has done much to compose. In the provinces of Bombay, Bengal, the United Provinces, the Punjab and Bihar and Orissa, the local governments recommended us to adhere to the compact, whilst the Madras government provided in the first of its alternative schemes approximately the proportion of Muhammadan representation which the compact fixed. In the interests of India as a whole, we have, therefore, felt ourselves amply justified in accepting the compact as a guide in allocating the proportion of Muhammadan representation in the councils.

Muhammadans

16. In the Punjab we have recommended a separate electoral roll and separate constituencies for the Sikhs, following in this respect the recommendation contained in paragraph 232 of the Joint Report. There is some difficulty in defining with accuracy the distinction between some classes of Sikhs and Hindus; our suggestion for meeting this difficulty is to require that the officer responsible for preparing the electoral roll shall accept the declaration of an elector that he is a Sikh, unless he is satisfied that the declaration is not made in good faith.

Sikhs.

17. The other communities for which we recommend separate communal electorates are Indian Christians, Europeans and Anglo-Indians. In existing conditions candidates belonging to these communities will have no chance of being elected by general constituencies, and we would refer to Your Excellency's speech at the opening of the session of your legislative council at Simla in September 1918, in which this question was left for our consideration unfettered by the views expressed in the Joint Report. We have restricted such communal electorates to Indian Christians in Madras, to Europeans in Madras, Bombay, Bengal, the United Provinces and Bihar and Orissa, and to Anglo-Indians in Madras and Bengal, these being the only provinces in which in our opinion the strength and importance of these several communities justify this special treatment, though one of our members (Mr. Hogg) would like to see the system extended to Anglo-Indians in Bombay and the United Provinces. The Indian Christian community in the Madras presidency numbers over a million, is growing in importance and strength, and has a high standard of literacy. It is important to note that the representatives of both the Roman Catholic and Protestant Associations expressed their willingness to unite in a

Indian Christians, Europeans and Anglo-Indians.

common electorate. As regards Europeans, our action needs but little justification beyond an appeal both to history and existing facts. We shall subsequently deal with the representation of European commerce and industry, but in addition we feel that the European community as such is entitled to separate representation. There are many interests, such as those of professional men, government and private employés, educationists, missionaries and the like, which would not be adequately represented by members selected primarily on behalf of the capital concerned in commercial and industrial activities. The Anglo-Indian community presents a question of greater difficulty, but it is desirable to afford to them, as well as to Indian Christians, an opportunity for political education, which cannot well be secured otherwise than through the grant of representation by communal election. We should regard it as unfortunate if these communities failed to take their share in the rapidly developing political life of India. Some difficulty arises in framing definitions of European and Anglo-Indian. We have set out in appendix XI a form of words which will, we hope, prove of some assistance to those whose duty it will be to prepare the necessary regulations. We have not overlooked the recommendation of the Joint Report in favour of the representation of numerically unimportant minorities by nomination; but, in addition to the considerations mentioned above, we would note that a representative appointed by nomination would be debarred from selection for the post of minister. In recommending communal representation for these and other communities, we have done so in the hope that it will be possible at no very distant date to merge all communities into one general electorate.

Other claims to communal representation.

18. Claims for separate electorates were placed before us by numerous other communities, such as the Mahishyas of Bengal and Assam, the Marwaris of Calcutta, the Bengali domiciled community of Bihar and Orissa, the Ahoms of Assam, the Mahars of the Central Provinces, the Uriyas of Madras and the Parsis of Bombay. In these cases we did not feel justified in admitting the claim. In the southern parts of the Bombay presidency and in Madras (but fortunately in no other parts of India) claims were put forward by non-Brahman Hindus for separate communal representation as a means of protection against the alleged ascendancy of the Brahman. The Lingayets of the Bombay presidency asked on this ground for the protection of their interests by the reservation of seats in plural member constituencies. We believe that this organized community will find no difficulty in securing representation through a general electorate in the districts where they are numerous, and the result of elections to local bodies tends to confirm us in this belief.

Marathas and allied castes in Bombay.

19. A similar claim on similar grounds was urged by the Marathas and allied castes in the Deccan and Southern divisions of the Bombay presidency. The representatives of this class were divided in their recommendations, some urging the necessity for separate electorates and others proposing the reservation of seats in plural member constituencies. Two of our members (Mr. Hailey and Mr. Hogg) would have been glad to grant special electoral facilities to them by the reservation of a single seat in each of the six districts where they preponderate. They consider that this guarantee would secure to them an assured minimum of representation, of which they would otherwise be uncertain owing to the ascendancy of the Brahman. They believe that, if this representation were once secured, the community would be encouraged to take its share in the political life of the province, from which it might otherwise be excluded. The majority of the Committee, however, are of opinion that in view of the facts that the Marathas and allied castes number over 5 millions out of 14 million Hindus in the presidency proper, and that their voting strength will largely predominate in at least five districts with 12 seats, no sufficient case for special treatment has been established.

Non-Brahmans of Madras.

20. In Madras a similar question was raised in a very acute form by the claim to communal representation of the non-Brahman Hindus of that presidency. Before our arrival in Madras, we had received a considerable body of representations relating to this question and made ourselves acquainted with the discussions of the subject in the press. It had also been publicly stated that the composition of our Committee

made it impossible for us to consider with justice and fairness the problems arising out of this controversy. We visited Madras prepared to enter into a full and careful consideration of this question, but unfortunately we were deprived of the opportunity of hearing those leaders of the non-Brahmans who claim a separate electorate and of testing their views by oral examination, since they informed us that they refused to appear before the Committee. Communications received from Dr. Nair and other leaders will be found in appendix XV. We desire to record that, whatever the merits or demerits of the controversy might be, it was our earnest wish to use our good offices to find some method of composing these important differences which are disturbing the political life of the presidency. We should have been glad, even perhaps at the cost of the disregard of sound constitutional forms, to have attempted some acceptable arrangement. The refusal of these leaders to appear at our enquiry deprived us of all power of intervention and made a settlement by consent impossible.

So far as we have been able to ascertain, the case for the non-Brahmans rests on the assertion that the Brahmans, though numerically a small community, occupy, not only for religious and social reasons but also on account of their exceptional educational qualifications, a position of preponderating influence. It is also urged that Brahmans have a share, disproportionate to their numbers, of positions in the service of Government and in the legal profession. The non-Brahmans claim that they need protection against the overpowering, though not necessarily illegitimate, influence of a class possessing so marked a degree of religious and social prestige.

The possible solutions of the problem, which emerge from our consideration of the question, may be described as follows The first is the constitution of a non-Brahman communal electorate, comprising all classes of Hindus other than Brahmans. This solution, as we understand from their written publications, commends itself to a considerable section of the political leaders of the non-Brahmans. A second alternative would be to constitute large multiple constituencies, and to reserve a certain proportion of seats for non-Brahman candidates. A further proposal producing much the same result, though with a variation of figures, is to limit the number of Brahman candidates to be returned by such constituencies, and this course was recommended to us by another section of the non-Brahman community.

Apparently the reason why any solution on the basis of reservation of seats would not be acceptable to the first section of non-Brahman leaders is that they mistrust candidates, though belonging to their own class, in whose election Brahmans would take a part, however limited may be the number of their votes. We for our part feel unable to recommend the constitution of a separate communal electorate for non-Brahmans. Whatever value and propriety such a measure may have for protecting a minority against the pressure of other communities or interests, it would be unreasonable to adopt this expedient for protecting a community which has an overwhelming electoral strength. In the Madras presidency the non-Brahmans (omitting the depressed or untouchable classes) outnumber the Brahmans in the proportion of about 22 to 1. We have made an estimate of the relative proportions of these communities in regard to the number of voters on the franchise recommended for the presidency, and we are, we think, well within the mark in estimating that the non-Brahman (again using the expression in the sense indicated above) exceed the Brahman electors in the proportion of at least 4 to 1. We cannot but think that, if the capacity already devoted to politics among the non-Brahmans were utilized in organizing this great majority, the non-Brahmans would in no long space of time find that such a preponderance of votes would make itself effectually felt despite the power and influence of the Brahmans. The formation of a separate communal electorate for non-Brahmans would have the effect of placing the Brahmans in a separate communal electorate of their own, a position in which we are not prepared to place a community against its will. There thus remains only the proposal for the reservation of a considerable number of seats for non-Brahmans in plural member constituencies. But such evidence as we were able to obtain went to show that, whilst such a proposal might be accepted by the Brahmans if it were the price of an enduring peace and might, if the number of seats were

substantial, be accepted by one section of the non-Brahmans, the leaders of the other section were prepared neither to submit to such a solution nor to accept it as a settlement of the controversy. In these circumstances we felt it our duty to deal with the electoral position on lines corresponding to those framed for other parts of India, and in our recommendations we accordingly make no difference between the Brahmans and the non-Brahmans.

On this subject we feel constrained to add this final suggestion. It may be that, after statutory effect has been given to our proposals, His Majesty's Government may be willing to afford the parties to this controversy an opportunity, before the electoral machinery is completed, of agreeing upon some solution of the question, *e.g.*, the provision of plural member constituencies and of a certain proportion of guaranteed non-Brahman seats. We venture, at the risk of travelling outside the terms of our reference, to suggest that, if any scheme is brought forward by the leaders of the non-Brahmans which appears likely to afford a reasonable prospect of a speedy and equitable settlement, an opportunity might be allowed to Your Excellency in Council (possibly under the advice of some small commission or committee) to introduce into the electoral system for this presidency any modifications on these lines that may seem likely to lay the controversy finally to rest.

Representation of Special Interests.

Zamindars and Landholders.

21. We turn to an important but less contentious problem, the representation of special interests. In considering the claims of the landholding class to special treatment, we recognise the considerations put forward in paragraphs 147 and 148 of the Joint Report regarding the position of the landed aristocracy and of the smaller landed gentry. Where we have found a genuine landed aristocracy forming a distinct class, of which the taluqdars of Oudh form perhaps the most conspicuous example, we have had no hesitation in maintaining the privilege now held by them of special representation in the legislative councils through electorates composed of their own class. Thus, in addition to the taluqdars of Oudh, we have recommended special representation to the zamindars of Bengal, Madras and Bihar and Orissa, the sardars of Gujarat and the Deccan and the jagirdars of Sind (in the Bombay presidency). It may justifiably be claimed that in each case these constitute a special class, with clearly defined interests distinguishable from those of the smaller landholders. We have at the same time continued the special representation enjoyed by a class of somewhat different but still clearly defined status, namely, the large landholders of Madras, Agra, the Central Provinces, and Assam, and have further, pursuant to the policy of guaranteeing adequate representation to landholding interests, acceded to the strong recommendation of the Punjab government for the grant of special seats to the larger landholders in the Punjab, a privilege which they do not at present enjoy. The qualifications of electors will in each case be residence in the constituency and a high payment of land revenue or local rates; though we have, in addition, maintained as a qualification the possession by landholders of certain high titles conferred or recognised by government.

University.

22. We recommend the maintenance of the existing arrangement by which the interests of university education are represented in the provincial legislative councils by a member elected by the Senate and Fellows of the university of the province. We have, in addition, made provision for the newly constituted university of Patna, and for the universities of Nagpur and Dacca when they are duly constituted.

Commerce and Industry.

23. The Joint Report (paragraph 232) recognises that commercial and industrial interests should receive separate representation, and this view was supported almost without exception by the evidence received by us. These special interests are now represented in the provincial legislative councils by members returned by chambers of commerce and by trades', planting, mining

and millowners' associations. These are in the main, though not exclusively, representative of European commercial interests. The special interests of Indian commerce are at present represented by election only in the legislative council of Bombay, where one member is elected by the Millowners' Associations, and one by associations composed of merchants and traders. We are satisfied that the method of representation through associations has worked well in the past, and should be continued in the future. Where, therefore, we have found associations which have been proved to our satisfaction to be fully representative of the various interests concerned, we recommend that election to the special seats provided by us for commerce and industry should be made by their members. In the three provinces of the Punjab, Central Provinces and Assam, where there is no organized association of sufficient importance for the representation of Indian commerce, we recommend a special electorate consisting of factory-owners and the representatives of registered companies. It will be noted that the amount of representation given to European commerce in Bengal is larger than in other provinces; this step we hold to be justified by the importance of European commerce in that province, and this view is supported by a unanimous resolution of the non-official members of the present legislative council in favour of maintaining the existing proportion of elected European seats in the council. It will be further noted that we have given increased representation to Indian commerce, with the result that special representation of this interest is provided in seven out of the eight provinces. We have recommended safeguards against the abuse of the method of election through associations by proposing that the regulations for elections should in each case be approved by the Governor in Council, who will further have authority to modify the system of representation in order to meet any alteration in the position or constitution of the different associations. The regulations should contain provisions for ensuring that all electors have a place of business within the province.

Representation by nomination.

24. In assigning the number of seats in each council to which non-official representatives may be appointed by nomination, we have been guided by the existence of important classes or interests which could not be expected to obtain representation by any practicable system of election. Thus we have been driven to the expedient of nomination for the representation of the depressed classes, because in no case did we find it possible to provide an electorate on any satisfactory system of franchise. We have indicated in each province the special interests which we consider should receive such representation (including Labour, where the industrial conditions seem likely to give rise to labour problems); it will be understood, however, that our lists are intended as a guide to the Governor rather than as a direction to be followed in framing the regulations. Our proposals contemplate a very sparing use of nomination, and we have provided only a narrow margin to enable the Governor to correct any glaring inequalities in election or to secure the presence on the council of any person of position or political experience who may have failed to secure election.

Official Representation.

25. In our recommendations regarding official seats we have been guided entirely by the necessity of providing the number of officials required for constituting the Grand Committee in accordance with paragraph 232 of the Joint Report. We have assumed that the standard strength of the Grand Committee will be 40 per cent. of the council. We feel bound to add that practical inconvenience may arise, especially in the smaller provinces, from the necessity for the attendance of so many officials at the council proceedings. If the proportion were reduced from 40 to 30 per cent., which could (we venture to suggest) be effected without any material change of principle, the number of officials might be diminished, and the inconvenience proportionately reduced.

Qualifications of Candidates.

26. In dealing with the qualifications of candidates for election as members of the provincial councils, we have taken the existing regulations as our guide,

but have relaxed them in several material points Thus while maintaining the disqualification of persons who are not British subjects, we have recommended that this bar should not apply to the subjects of Native States in India. There are many persons who, though technically subjects of Native States, reside in British territory, with which their interests are identified.

British Subjects

27. We gave much consideration to the question whether dismissal from Government service should in itself constitute a disqualification. The majority of us are of opinion that such dismissal should constitute a disqualification if it has taken place in circumstances which, in the opinion of the Governor in Council, involve moral turpitude, and that it should be further provided that this bar may be removed by the same authority. They hold that a regulation of this nature is essential in the interest of the good reputation of the new councils. We have, however, to record that this recommendation does not command the assent of Lord Southborough, Mr Surendranath Banerjea and Mr Srinivasa Sastri, who consider it improper to limit the choice of the electorate by imposing a disqualification based on the decision of an executive authority.

Dismissal from Government Service.

28. The existing regulations debar from candidature all persons sentenced by a criminal court to imprisonment for an offence punishable with imprisonment for a term exceeding six months, or who have been ordered to find security for good behaviour We have considered it sufficient to restrict the disqualification to persons who have been sentenced by a criminal court to imprisonment in circumstances which, in the opinion of the Governor in Council, involve moral turpitude, and have, as in the previous case, provided that the same authority may remove the disqualification.

Imprisonment

29. A problem of greater difficulty is presented by the question whether a candidate should be permitted to contest a constituency in which he has no place of residence. The present regulations provide that in all Muhammadan, local board, municipal and landholders' constituencies, the candidate must have a place of residence within the constituency. The evidence presented to us on this point was by no means unanimous Associations and individuals representing what may be termed the more progressive element in Indian politics were definite in their view that there is no justification for restricting the choice of the electors in this respect, and that insistence on such a regulation might, by depriving the new councils of the services of men of experience and capacity, impair the success of the reforms now being inaugurated. The point was also emphasised that a residential qualification is easy of evasion in the absence of an undesirably restrictive definition. Some of the local governments, namely, those of the United Provinces, Bihar and Orissa and Assam, did not press for the insertion of this qualification. On the other hand, the local governments of Bengal, Bombay, Madras, and the Punjab held that it would be detrimental to the interests of a large proportion of the new electorate to admit as candidates persons who were not resident in the areas they sought to represent. This view received support from some non-official witnesses, particularly in the Central Provinces, and very wide support in the Punjab from individual witnesses and associations representing rural interests It was pointed out to us that one object of constituting territorial electorates is to encourage the candidature of persons with knowledge of local interests and actually representative of such interests, and that the chance of securing such candidates from among the rural population, hitherto unversed in politics, would be impaired by the competition of candidates from outside Much of the educative effect of the franchise would thus be lost, and the representative character of the councils impaired. Our attention was further directed to the remarks on this subject in paragraph 84 of the Joint Report which contemplate the possible necessity of prescribing definite qualifications for candidates for rural seats.

Residence

We have found no difficulty in maintaining the existing regulation as regards special constituencies, such as those provided for landholders. With regard to the general and communal constituencies, however, the majority of us, although on principle opposed to such a restriction anywhere, resolved, on a consideration of the evidence, to abandon uniformity, and to impose the

restriction in the provinces of Bombay, the Punjab and the Central Provinces, but not in the remaining provinces. The minority (Sir Frank Sly, Mr. Hailey and Mr. Hogg) desire that the restriction should be imposed in all provinces, and would be prepared, if necessary, to face a definition of the qualification which would secure that the candidate should be actually a resident of the constituency.

Composition of Provincial Legislative Councils.

Size of provincial legislative councils.

30. The preceding portion of this report will explain the principles which have guided us in framing the constitution of the legislative council of each province. In our recommendations as to the number of members in the different councils, we have not acted on any presumption as to the total strength suitable to each province, nor have we striven to attain a rigid uniformity between the provinces, but have endeavoured to provide adequate representation for each class and interest concerned, with due regard to the maintenance of the district as a territorial unit. Social and economic conditions vary widely from province to province, and our proposals must not be judged in the light of the arithmetical proportion disclosed between the number of seats and the size of the population in the different areas with which we have had to deal. Our detailed recommendations, which will be found in the attached appendices, are summarized in the following table:—

Province.	General.	Communal.	Landholders.	University.	Commerce and Industry and Planting.	Representatives by nomination.	Officials.	Total.
Madras	61	18	7	1	6	6	19	118
Bombay	46	29	3	1	8	6	18	111
Bengal	41	37	5	2	15	5	20	125
United Provinces	57	28	6	1	3	5	18	118
Punjab	18	36	4	1	2	6	16	83
Bihar and Orissa	46	18	5	1	3	9	16	98
Central Provinces	40	7	3	1	2	5	12	70
Assam	19	12	2	..	6	5	9	53

These numbers are exclusive of the two experts (in the case of Assam one), who may be added to the Council by the Governor from time to time when required

INDIAN LEGISLATIVE ASSEMBLY.

Composition of the Assembly.

Composition of existing Council.

31. The present legislative council of the Governor General consists (in addition to the seven members of his Executive Council) of sixty additional members, of whom twenty-seven are elected and thirty-three nominated, making a total of 69, inclusive of the Governor General and the Head of the province in which the council assembles. Of the latter not more than twenty-eight may be officials. Details of the composition of the elected portion of the council are given in the attached appendix; it is sufficient to state here that of the total of twenty-seven, thirteen are elected by the non-official members of the different provincial legislative councils, giving an average of 16 members to elect each representative; six by landholders (all provinces save the Punjab and Assam being thus represented); one representative by the Muhammadan landholders of the United Provinces alternately with the Muhammadans of Bengal; five by Muhammadans in as many provinces, in addition to the member returned at the alternate election just mentioned; and two by European Chambers of Commerce. The landholders' electorate is a restricted one, on a higher franchise qualification than that in force for the elections to the provincial councils. Where Muhammadan representatives are elected to the council

the election is (except in the case of Bombay) direct, on a higher franchise than that in force for election to the provincial legislative councils, giving an average of 473 electors for each seat in the four provinces in which it applies.

Proposals of the Joint Report.

32. The Joint Report (paragraphs 273 to 275) contemplates an Indian Legislative Assembly of about 100 members, of whom two-thirds will be elected and one-third nominated by the Governor General, of which third again not less than one-third will be non-officials selected with the object of representing minority or special interests. It recognizes the necessity for the communal representation of Muhammadans in most provinces, and also of Sikhs in the Punjab. The allocation suggested for the elected members is eleven each to the three presidencies, ten to the United Provinces, seven each to the Punjab and Bihar and Orissa, five to the Central Provinces, three to Burma and two to Assam; to which is added one for the Delhi Province. It further contemplates that, within these numbers, special representation should be found for European and Indian commerce, and the large landlords.

Our proposals.

33. We have found it difficult to provide for these various interests, and for the necessary communal representation of Muhammadans and Sikhs, in addition to the representation of the general constituencies, without disturbing the proportion of seats suggested for each province or, in the alternative, increasing the total number of elected seats. We have, after a full consideration of this somewhat complex problem, decided to adopt the latter course, and to recommend an addition to the elected strength of the council, bringing the total to 80 instead of 68. We have further thought it justifiable, while preserving generally the proportion of representation suggested between provinces, to rank the United Provinces with Madras and Bombay. Its population exceeds that of any other province, and its financial contribution to the general Imperial revenues as proposed in paragraph 206 of the Joint Report is second only to that suggested for Madras. We would have desired on general grounds to maintain the equality of representation of the three presidencies, to which we attach importance, but in view of the large amount of special representation necessary in Bengal, we propose to allot one additional seat to that presidency in order to secure sufficient representation of general and communal interests In allocating the number of Muhammadan seats we have been guided by the considerations set out in paragraph 15 of this report, and have also borne in mind that the number of Muhammadans, elected and nominated, in the present council is 11 out of 31 Indian non-official members. The increase in the number of elected seats will involve a council of the total strength of 120, or, including the Governor General, 121. The details of our recommendations are given in appendix IX, and are summarised in the table below :—

Elected Members.

Province.	General.	Communal.		Landholders.			European Commerce and Planting.	Indian Commerce.	Total.
		Muhammadan.	Sikh.	Non-Muhammadan.	Muhammadan.	Sikh.			
Madras	7	2	...	1	...	...	1	1	12
Bombay	4	3	...	1	1	...	1	2	12
Bengal	5	3	...	1	1	...	2	1	13
United Provinces	6	3	...	1	1	...	1	...	12
Punjab	2	4	1	...	1	1	..	...	9
Bihar and Orissa	6	2	...	1	...	...	...	...	8
Central Provinces	4	1	...	...	...	...	...	...	6
Assam	1	1	...	...	...	...	1	...	3
Delhi	1	...	...	...	...	...	...	...	1
							Reserved for Burma		4
							Total		80

To these will be added fourteen representatives appointed by nomination and twenty-six officials (including seven ex-officio members). In view of the remarks contained in paragraph 198 of the Joint Report, we have felt ourselves precluded from proposing any precise allocation of the four seats reserved for Burma. It has been suggested to us that provision might suitably be made for one seat to represent Muhammadans, and one the Rangoon Chamber of Commerce; we content ourselves in the circumstances with recording the suggestions.

Methods of representation.

34. The question of the most suitable method of securing representation is discussed in paragraph 273 of the Joint Report. It is recognized that direct election is practicable in the case of special constituencies, such as those representing landholders or commercial associations; but, while indicating a preference for direct election in general constituencies, the report emphasises the difficulty of giving practical effect to this measure. We gave full and anxious consideration to this difficult problem. There are three main alternatives. The first is to adopt the franchise recommended by us for the provincial legislative councils, dividing the electorates for these councils into the number of constituencies required for the Indian Legislative Assembly. If we had felt it necessary to recommend a high franchise qualification for the provincial councils, it is possible that the electorate for the Indian Legislative Assembly would not have been of unmanageable size; but if the franchise proposals made by us are adopted, each constituency for the latter assembly would consist approximately of 4 millions of population with 90,000 electors, and the area of each constituency would be of corresponding magnitude. Whether such an arrangement may prove practicable in the future, it is difficult to foretell, but we are of opinion that for the present it is impossible to recommend it. It would involve a great strain on the large number of inexperienced electors who will now for the first time receive the suffrage, and would impose a very heavy burden on the agency charged with the organization of the new electoral machinery.

Direct and indirect election.

Some of the difficulties above indicated could, no doubt, be obviated by adopting, as an alternative, the proposal—strongly urged by many non-official witnesses and numerous political associations—to prepare an electoral roll for the Indian Legislative Assembly on a substantially higher franchise than that proposed by us for the provincial councils. It was pointed out to us that a direct system of election to the Imperial Council by Muhammadans was in force in the provinces of Madras, Bengal, the United Provinces and Bihar and Orissa, but it was generally agreed that the present franchise was much too restricted to form a suitable basis. The average number of electors would be only 184 for each seat. A somewhat wider electorate exercises the right of election to the Muhammadan seats in the provincial legislative councils of these provinces and Bombay, and the suggestion was made to us that this might be adopted for elections to the Indian Legislative Assembly. This would give an average of 1,118 electors for each seat. Besides the very restricted nature of this franchise, a further objection lies in the composition of the electorate. It is based on a high property qualification varying considerably from province to province, but the attempt to give it a somewhat more liberal aspect has led to the inclusion of a striking variety of social, vocational, titular and literary qualifications, unsuitable in our opinion as a basis for the franchise even in provincial council elections. In spite of these additions, an electorate of this type would be dominated by landholders, who would also receive separate representation in their special constituencies. But our objection to this proposal is not limited to the difficulty of suggesting an improved franchise. To enfranchise a large number of persons in the elections of the provincial legislative councils, and at the same time to confine representation in the all-India assembly to a small upper class, appears to us not only illogical but politically undesirable. A further difficulty, though one possibly of less importance, is that it involves the creation of a second electoral roll throughout India at a moment when the preparation of the provincial electoral rolls will strain severely the resources of the local governments. The latter, without exception, after full consideration of the possible alternatives, recommended indirect election.

We have thus found ourselves driven (a possibility foreseen in the Joint Report) to the only remaining alternative, namely, indirect election for all general and communal seats by the members of the provincial legislative councils. We appreciate the objections to this method. The danger of entrusting the election of all-India representatives to a small number of electors is too obvious to need elaboration. It must, however, be borne in mind that the non-official members of the provincial councils will themselves, shortly before they are called upon to exercise this function, have been returned by a popular vote, and that they will perform this important duty in a representative capacity. We trust that, in the progress of time, a growing sense of political organization will enable indirect election to be superseded by some direct method, but for the present we see no alternative but to face the defects inherent in the indirect system.

If our proposal is accepted, the minimum numbers of electors to the seats in the Indian Legislative Assembly representative of general and communal interests will be as shown in the table below. To these will be added in practice the non-official nominated members.

Province.	General.		Muhammadans		Sikhs.		Total.	
	Number of seats.	Number of electors.	Number of seats.	Number of electors	Number of seats.	Number of electors.	Number of seats.	Number of electors.
Madras	7	80	2	13	...	...	9	[illegible]
Bombay	4	60	2	27	...	...	7	87
Bengal	5	66	3	34	...	..	8	100
United Provinces . . .	6	68	3	27	...	...	9	95
Punjab	2	22	4	30	1	9	7	61
Bihar and Orissa . . .	6	56	2	17	...	...	8	73
Central Provinces . . .	4	46	1	7	...	...	5	53
Assam	1	27	1	12	...	...	2	39

Method of election to seats representing special interests.

35. The representation of special interests can, as anticipated in paragraph 273 of the Joint Report, be suitably carried out by direct election. We propose accordingly that the persons entered in the electoral rolls prepared for the provincial council elections shall elect to the landholders' seats in the Indian Legislative Assembly. There appears to be no reason for creating a second electorate, with higher franchise qualifications, within these comparatively small bodies of electors. Election to the commerce seats will be by the members of certain chambers of commerce and similar bodies. The details of the electorate for each constituency will be found in appendix IX attached.

Qualifications of candidates.

36. We consider that candidature for the seats to which election is made by the members of the provincial legislative councils should not be restricted to persons who are already members of those councils, but should be extended to all persons who are qualified for election to the council of the province which they desire to represent. The difficulty felt by some of our members in regard to the qualification of residence (paragraph 29) will not arise in this case; the regulations should only provide that the candidate should be an elector in some constituency within the province.

As regards election to seats representing special interests, we consider that candidates should have the qualifications entitling them to stand for similar seats in the provincial councils, residence in the province (or, in the case of seats representing commerce, possession of a place of business within the province) being a necessary qualification in each case.

System of voting.

37. In the elections for seats to which election is made by members of the provincial councils, we propose to adopt the system of cumulative voting. This is at present in force in similar elections to the Imperial Legislative Council, and we see good grounds for retaining it.

Representatives by nomination.

38. In our recommendation as to the number of representatives by nomination, we have observed the proportion laid down in paragraph 278 of the Joint Report. In view of the observations made in paragraph 275 of the same

report, we have attempted no allocation of these seats. One of our members (Mr. Hogg), however, desires to express a strong opinion that at least one member should be nominated to represent the interests, other than commercial and industrial, of the European community. It has further been suggested to us that a place might be found among the nominations for non-official representatives from the North-West Frontier Province and Baluchistan (*vide* paragraph 198 of the Joint Report).

COUNCIL OF STATE.

Composition of the Council.

Proposals of the Joint Report.

39. Proposals regarding the Council of State are contained in paragraph 277 of the Joint Report. These proposals contemplate a council of 50 members, exclusive of the Governor General, consisting of not more than 25 officials including the members of the Executive Council; 4 non-officials nominated by the Governor General; and 21 elected members. Of the elected members it is suggested that 15 shall be chosen by the non-official members of the provincial legislative councils, each council returning two members, save the councils of Burma, the Central Provinces and Assam, which are to return one each. The remaining six seats are intended to supplement the representation which the Muhammadans and the landed classes would otherwise secure, and also to provide for the representation of chambers of commerce. It is proposed that each of the three latter interests should return two members directly to the Council of State.

Our proposals.

40. We have experienced great difficulty in framing a scheme which would provide for the different interests mentioned, while preserving the proportion of seats between the provinces. We have therefore ventured, at the risk of going outside our terms of reference, to recommend an increase from 21 to 24 in the number of elected seats. This increase will involve a total strength of 56 or, including the Governor General, 57. The details of the constitution which we propose are given in appendix X, and the proposals for the elected seats may be summarised as follows:—

Province.	General.	Muhammadan.	Sikh.	Landholders.	Total.
Madras	2	1	...	...	3
Bombay	2	1	...	...	3
Bengal	2	1	...	½	3
United Provinces	1	1	...	1	3
Punjab	1	1	1	...	3
Bihar and Orissa	1	1	...	½	2½
Central Provinces	1	½	...	...	1½
Assam	1	½	...	...	1½
Total	11	7	1	2	21

Add for European chambers of commerce	2
Reserved for Burma	1
Total	24

Method of representation.

41. In the Joint Report it is proposed that the election should be by the members of the provincial legislative councils, save in the case of six seats (for Muhammadans, landholders and chambers of commerce) to which direct election is contemplated. We have already explained the difficulties which have made it impossible for us to recommend any method of direct election to the Indian Legislative Assembly. We have received no practical suggestion, nor have we succeeded in formulating any method, for obtaining direct election by Muhammadans (who number in the area included in our schemes over

54 millions) to the two seats specifically reserved for them in the Council of State. It would be possible to arrange for direct election to the two landholders' seats in the Council of State by the landholders to whom, in the various provinces, we propose to give the privilege of electing landholders' representatives in the provincial councils. We shrink, however, from adding one more election to the two elections (to the provincial councils and to the Indian Legislative Assembly) in which the landholders will have to participate. It appears to us that the least inconvenient course will be to provide, in all cases except the two seats reserved for European commerce, for election to the Council of State by the non-official members of the respective provincial councils; and we have framed our scheme on these lines. We have not overlooked the fact that our proposals for election to the Indian Legislative Assembly and to the Council of State involve two elections by the members of the provincial legislative councils, but we are unable to devise any alternative system which is not open to graver objection.

Qualifications of candidates

42. We think that candidature to the Council of State should not be confined to members of the Indian Legislative Assembly and provincial legislative councils, as we see great advantages in the selection of suitable representatives outside those bodies. We therefore recommend that it should be left to the electors to choose any person qualified to be a member of a provincial legislative council.

CONCLUSION.

43. In concluding our report we desire to take this opportunity of expressing our deep regret at the death of Sir Walter Jerred, while on his journey to India with a view to acting as Chairman of this Committee. His experience in regard to questions relating to franchise and electoral matters generally would have been invaluable in conducting our enquiries and in solving our problems.

44. We desire also to record our obligations to the many officers of government who, in a time of great strain, have undertaken the additional labour involved in collecting the information without which our task could not have been completed. We must also record our indebtedness to Mr. P. C. Tallents, I.C.S., who has throughout acted as Secretary of the Committee, for the exceptional ability which he has applied to the business of the Committee and for the skill he has displayed in making all the arrangements for our tour and in organizing the necessary enquiries in the provinces which we have visited.

We have the honour to be

Your Excellency's most obedient servants,

SOUTHBOROUGH,
President

F. G. SLY,
Deputy Chairman.

S. AFTAB.

W. M. HAILEY.

S. N. BANERJEA.

M. N. HOGG.

V. S. SRINIVASAN.

Delhi, 22nd February 1919.

P. C. TALLENTS,
Secretary.

APPENDIX I.

MADRAS PRESIDENCY.

STATISTICAL SUMMARY

	Area in square miles.	Population.
British Territory	142,330	41,405,404
Deduct excluded areas :—		
The Agency Tracts in the districts of Ganjam, Vizagapatam, and Godavari	19,781	1,577,519
Balance	122,549	39,827,885

Male adults of 20 years of age and over	10,264,748
Do. do. do. literate	2,098,216
Do. do. do. literate in English	179,388

Hindus—		
Brahmans	1,221,907	
Non-Brahmans	27,716,806	
Others	6,377,168	
		35,315,881
Muhammadans		2,735,673
Indian Christians		1,137,208
Anglo-Indians		25,965
European British subjects		12,692
Others		800,966
Total		39,827,885

Total population of municipalities and cantonments included in—	
(a) urban constituencies	969,232
(b) rural constituencies	1,667,246
Total population of rural areas	37,191,407

Towns of over 50,000 population—

1 Madras	518,660
2 Madura	134,130
3 Trichinopoly	123,512
4 Calicut	78,417
5 Kumbakonam	64,647
6 Tanjore	60,341
7 Negapatam	60,168
8 Salem	59,155
9 Cuddalore	56,574
10 Cocanada	54,110
11 Conjeeveram	53,864

* i.e., the main "Panchamas" or untouchable castes, for instance the Paraiyas, Pallans and Valluvans in the Tamil districts, the Malas and Madigas in the Telugu districts, the Cherumans of Malabar and Holeyas of S. Canara.

CONSTITUTION OF EXISTING LEGISLATIVE COUNCIL.

Ex-officio members, including the Governor		5
Nominated members, of whom not more than 16 may be officials, and one shall be a non-official person selected from the Indian commercial community		21
Elected members—		
(1) by the corporation of Madras	1	
(2) by the university of Madras	1	
(3) by the non-official members of municipal councils and district and taluq boards	9	
(4) by zamindars	2	
(5) by landholders other than zamindars	3	
(6) by the Muhammadan community	2	
(7) by the Madras Chamber of Commerce	1	
(8) by the Madras Trades Association	1	
(9) by the planting community	1	
		21
Total		47

To which may be added 2 expert members.

Number of Electors.

Members of municipal councils and district and taluq boards	2,675
Zamindars	261
Other landholders	2,398
Muhammadans	1,329

SCHEME FOR THE CONSTITUTION OF AND ELECTIONS TO THE PROVINCIAL LEGISLATIVE COUNCIL.

A.—FRANCHISE QUALIFICATIONS.

[In cases where property is held or payments made jointly by the members of a joint family or partnership, the family or partnership shall be adopted as a unit for deciding whether the qualification exists; and the vote shall be exercised in the case of a Hindu joint family by the manager thereof, and in other cases by the member or partner authorised in that behalf by the family or partnership concerned.]

General disqualifications of Electors.

No person will be qualified to vote at an election, if such person

(*a*) is a female, or
(*b*) is under 21 years of age, or
(*c*) is not a British subject or the subject of any State in India, or
(*d*) has been adjudged by a competent court to be of unsound mind.

Qualifications of Electors.

(i) *Urban Areas, i.e., municipalities and cantonments.*

Every person will be entered in the electoral roll of the constituency which has a place of residence in the area or within two miles of the boundary thereof, and

(1) in the case of Madras city

(*a*) owns or occupies a house or a building of the annual rental value of not less than Rs. 120, or

(b) pays property or profession tax or both to the aggregate annual amount of Rs. 8, or

(c) pays income-tax, or

(d) is a retired and pensioned officer (commissioned or non-commissioned) of the Indian army, or

(2) in the case of places other than Madras city,

(a) pays property or profession tax or both to the aggregate annual amount of not less than Rs. 3, or

(b) pays income-tax, or

(c) is a retired and pensioned officer (commissioned or non-commissioned) of the Indian army, or

(d) holds a qualification within the area which would entitle him to be entered in the rural roll if the area were not a municipality or cantonment.

(ii) *Rural Areas.*

Every person will be entered in the electoral roll of the constituency who has a place of residence in the area, and

(a) is a registered pattadar or inamdar of lands either on raiyatwari or inamdari tenure with an annual rental value as calculated under section 64 of the Madras Local Boards Act of 1884 of not less than Rs. 20, or

(b) is a landholder as defined in section 3 (5) of the Madras Estates Land Act of 1908, whose estate bears the annual rental value, as calculated under section 64 of the Madras Local Boards Act of 1884, of not less than Rs. 20, or

(c) is a tenant under a landholder as defined in section 3 (5) of the Madras Estates Land Act of 1908, the annual rental value of whose holding as evidenced by his patta or lease is not less than Rs. 20, or a kanomdar in Malabar the Government assessment on whose holding is of like amount, or

(d) pays income tax, or

(e) is a retired and pensioned officer (commissioned or non-commissioned) of the Indian army.

In urban and rural constituencies two electoral rolls will be kept, one for Muhammadans and one for non-Muhammadans. No European, Anglo-Indian or Indian Christian will be entered in either roll.

(iii) *European Constituency.*

Every person will be entered in the electoral roll of this constituency, who, being a European, has a place of residence in the presidency and has any of the qualifications for an elector in an urban or rural area.

(iv) *Anglo-Indian Constituency.*

Every person will be entered in the electoral roll of this constituency who, being an Anglo-Indian, has a place of residence in the presidency and has any of the qualifications prescribed for an elector in an urban or rural area.

(v) *Indian Christian Constituencies.*

Every person will be entered in the electoral roll of the constituency who, being an Indian Christian, has a place of residence in the constituency and has any of the qualifications prescribed for an elector in an urban or rural area.

(vi) *Zamindars' Constituencies.*

There will be four constituencies, constituted as follows:—

1. Ganjam, Vizagapatam and Godavari.
2. Kistna, Guntur, Nellore, North Arcot, Chittoor, Cuddapah, Kurnool, Bellary and Anantapur.
3. Madras, Chingleput, Salem, Coimbatore, South Canara, Malabar, the Nilgiris and South Arcot.
4. Tanjore, Trichinopoly, Madura, Ramnad and Tinnevelly.

Every zamindar holding an estate and every person in receipt of a malikana allowance from Government will be entered in the electoral roll of each constituency, if he has a place of residence in the constituency and

(*a*) possesses an annual income of not less than Rs. 3,000 derived from an estate situated within the presidency, or

(*b*) receives from Government a malikana allowance, the annual amount of which is not less than Rs. 3,000.

Provided that no zamindar shall have more than one vote in any one constituency though he may have more than one of the qualifications above described.

In each case income will be calculated in accordance with rules to be approved by the Governor in Council.

(vii) *Landholders' (other than zamindars) Constituencies.*

There will be three constituencies constituted as follows:—

1. Ganjam, Vizagapatam, Godavari, Kistna, Guntur, Nellore, North Arcot, Chittoor, Cuddapah, Kurnool, Bellary and Anantapur.
2. Madras, Chingleput, Salem, Coimbatore, the Nilgiris, South Arcot, Tanjore, Trichinopoly, Madura, Ramnad and Tinnevelly.
3. Malabar (including Anjengo and Tangasseri) and South Canara.

Every landholder (not being a zamindar or tenant or sub-tenant) will be entered in the electoral roll of each constituency who has a place of residence in the constituency and possesses an annual income, derived from land situated within the presidency and not forming an estate, of not less than Rs. 1,000, to be calculated in accordance with rules to be approved by the Governor in Council.

(viii) *University Constituency.*

The representative of Madras University will be elected by the members of the senate and honorary fellows of that university, having a place of residence in India.

(ix) *Planting Constituency.*

The representative of this constituency will be elected by the members of the United Planters' Association of Southern India through its affiliated Planters' Associations in accordance with regulations to be approved by the Governor in Council. Provision should be made to enable the Governor in Council to revise the method of election for this constituency from time to time in order to meet any alteration in the position or constitution of this association.*

(x) *Commerce and Industry Constituencies.*

One representative will be elected by the members of the Madras Chamber of Commerce.

One representative will be elected by the members of the European Chambers of Commerce elsewhere than in Madras, *i.e.*, at Cocanada, Tuticorin, Cochin, Calicut, and Tellicherry.

Two representatives will be elected by the members of the Southern India Chamber of Commerce.

One representative will be elected by the members of the Madras Traders' Association.

---

*The term "member" will include any person entitled to exercise the rights and privileges of membership on behalf and in the name of any firm or joint stock company or corporation registered as a member.

The election will be conducted in each case in accordance with regulations to be approved by the Governor in Council.

Provision should be made to enable the Governor in Council to revise the methods of election for these constituencies from time to time in order to meet any alteration in the position or constitution of the electing bodies.*

B.—QUALIFICATIONS OF CANDIDATES.

No person will be eligible for election as a member of the Council, if such person

(*a*) is not a British subject or a subject of any State in India, or
(*b*) is an official, or
(*c*) is a female, or
(*d*) has been adjudged by a competent court to be of unsound mind, or
(*e*) is under 25 years of age, or
(*f*) is an uncertificated bankrupt or an undischarged insolvent, or
(*g*) has, in circumstances which, in the opinion of the Governor in Council, involve moral turpitude, been (1) dismissed from the service of Government or (2) sentenced by a criminal court to imprisonment (such sentence not having subsequently been reversed or remitted, or the offender pardoned), or
(*h*) has been dismissed or is under suspension from practising as a legal practitioner by order of any competent court:

Provided that in cases (*g*) and (*h*) the disqualification may be removed by an order of the Governor in Council in this behalf.

No person shall be eligible for election as a member of the Council to represent

(1) an urban or rural constituency, unless such person is registered as an elector in an urban or rural constituency within the presidency, or
(2) a European, Anglo-Indian, Indian Christian, zamindars', landholders' (other than zamindars), university, planting or commerce and industry constituency, unless such person is registered as an elector in the constituency for which he seeks election.

C.—PLURAL VOTING.

At each election to the Council no elector is to vote in more than one of the non-Muhammadan, Muhammadan, Indian Christian, European and Anglo-Indian constituencies; but an elector will be at liberty, in addition to voting in one of these constituencies, to exercise any votes to which he may be entitled for the university, zamindars', landholders' (other than zamindars,) planting or commerce and industry seats.

D.—CONSTITUTION OF THE COUNCIL.

The Council will be constituted as follows:—

Non-Muhammadan urban seats	9	
Non-Muhammadan rural seats	52	
		61
Muhammadan urban seats	2	
Muhammadan rural seats	11	
		13
European seat		1
Anglo-Indian seat		1
Indian Christian seats		3
University seat		1
Zamindars' seats		4
Landholders' (other than zamindars) seats		3
Planting seat		1

* See footnote on preceding page.

Commerce and industry seats—		
Madras Chamber of Commerce	1	
Other European Chambers of Commerce	1	
Southern India Chamber of Commerce	2	
Madras Trades Association	1	
		5
Representatives appointed by nomination—		
(1) Depressed classes	2	
(2) Excluded tracts	2	
(3) Others	2	
		6
Official seats—		
Ex-officio	4	
Nominated	15	
		19
Total		118
To which may be added by the Governor not more than 2 experts (official or non-official)		2
		120

The ex-officio members will be the Governor, two members of the Executive Council and the Advocate-General.

E.—LIST OF CONSTITUENCIES.

NON-MUHAMMADAN URBAN SEATS—9.

	Number of seats.	Male population in thousands.	Estimated number of electors in thousands.
Madras city	5	220	12
Madura city	1	59	10
Trichinopoly and Srirangam	1	57	3½
Calicut	1	23	1½
Tinnevelly and Palamcottah	1	31	3
Total	9	390	30

NON-MUHAMMADAN RURAL SEATS—52.

Ganjam	District	2	865	17
Vizagapatam	"	3	1,038	24
Godavari	"	3	691	31
Kistna	"	4	934	55
Guntur	"	4	734	43
Nellore	"	2	602	20
Cuddapah	"	1	392	14
Chittoor	"	1	596	11
Bellary	"	1	440	15
Anantapur	"	1	451	8
Kurnool	"	1	389	14
Chingleput	"	2	674	22
North Arcot	"	3	897	29
South Arcot	"	3	1,106	21

	Number of seats.	Male population in thousands.	Estimated number of electors in thousands.
Salem District . . .	3	847	21
Coimbatore " / The Nilgiris . . .	3	1,064	15*
Malabar District . . .	2	957	11
South Canara " . . .	1	461	11
Tanjore " . . .	4	1,023	35
Trichinopoly " . . .	1	893	9
Madura " . . .	3	820	29
Ramnad " . . .	2	700	11
Tinnevelly " . . .	2	703	15
Total .	52	17,237	481

MUHAMMADAN URBAN SEATS—2.

Madras	1	31	1½
Madura, Trichinopoly and Srirangam	1	13	½
Total .	2	44	2

MUHAMMADAN RURAL SEATS—11.

Ganjam District / Vizagapatam " / Godavari " / Kistna " . .	1	62	2
Guntur " / Nellore " / Chittoor " . .	1	133	1½
Cuddapah " / Kurnool " / Bellary " / Anantapur " . .	1	202	2½
North Arcot " / Chingleput " . .	1	73	2½
South Arcot " / Salem " / The Nilgiris / Coimbatore District . .	1	82	2½
Tanjore " . . .	1	57	2½
Madura " / Trichinopoly " . .	1	56	2
Ramnad " / Tinnevelly " . .	1	97	2½
Malabar " / South Canara " . .	3	546	5
Total .	11	1,308	23

*Since this Appendix was passed by the Committee, it has been ascertained that this figure should be 25 instead of 15.

INDIAN CHRISTIAN SEATS—3.

	Number of seats.	Male population in thousands	Estimated number of electors in thousands.
Ganjam District Vizagapatam ,, Godavari ,, Kistna ,, Guntur ,, Nellore ,, Cuddapah ,, Kurnool ,, Anantapur ,, Bellary ,, Chittoor ,,	1	154	1
Chingleput District Madras South Arcot District North Arcot ,, Salem ,, Coimbatore ,, The Nilgiris Malabar District South Canara ,,	1	169	2
Tanjore District Trichinopoly ,, Madura ,, Ramnad ,, Tinnevelly ,,	1	233½	2
Total	3	556½	6

Where more seats than one are assigned to a district, the Governor in Council may either maintain it as one plural member constituency or divide it into single member constituencies as may be found expedient. Madras city will be a plural member constituency.

The total number of electors for the above constituencies is estimated roughly as follows:—

Urban	Non-Muhammadan	(9 seats)	30,000
	Muhammadan	(2 ,,)	2,000
Rural	Non-Muhammadan	(52 ,,)	481,000
	Muhammadan	(11 ,,)	23,000
Indian Christian		(3 ,,)	6,000
		Total	542,000

The urban electorate will amount to 7·4 per cent. of the male population in the urban constituencies, the rural electorate to 2·7 per cent. of the male population in the rural constituencies, and the total electorate to 2·8 per cent. of the total male population or 1·3 per cent. of the total population.

Explanatory Notes.

1. The word "pattadar" used in the description of the franchise qualifications is the technical term for a cultivator holding land direct from Government under the raiyatwari system of settlement. Similarly the word "inamdar" means that he holds wholly or partially free of revenue. A "kanomdar" is the technical term for a peculiar class of landholder in Malabar.

2. The proposed qualifications for the zamindars' and landholders' (other than zamindars) constituencies are the same as those at present in force.

3. The European Chambers of Commerce and the Madras Trades Association represent mainly European commerce and trade, and the Southern India Chamber of Commerce represents Indian commerce and trade.

4. The districts grouped together in the first Indian Christian constituency represent a distinct language area which cannot conveniently be grouped with any other area.

APPENDIX II.

BOMBAY PRESIDENCY INCLUDING SIND.

STATISTICAL SUMMARY.

	Area in square miles.	Population.
British territory (other than Aden) . . .	122,899	19,580,312
Deduct excluded areas	*Nil*	*Nil*
Balance .	122,899	19,580,312

NOTE.—Aden is excluded from the scheme.

Male adults of 20 years of age and over		5,578,257
Do. do. literate . . .		915,044
Do. do. literate in English . .		131,940
Hindus—		
Brahmans	722,339	
Marathas and allied castes	5,194,072	
Lingayets	1,064,955	
Other non-Brahmans	7,359,641	
Others*	577,216	
		14,918,223
Muhammadans		3,950,469
Animists		170,351
Indian Christians		190,903
Anglo-Indians		8,871
European British subjects		25,235
Others		316,260
Total .		19,580,312

Total population of municipalities, cantonments and notified areas included in—	
(*a*) urban constituencies	1,683,194
(*b*) rural constituencies	789,568
Total population of rural areas	17,107,550

Towns of over 50,000 population—	
Bombay†	979,445
Ahmedabad	216,777
Poona	158,856
Karachi	151,903
Surat	114,868
Hyderabad (Sind)	75,952
Hubli	61,440
Sholapur‡	61,345
Shikarpur	53,944

* *i.e.*, castes which are ordinarily denied access to a Hindu temple. *Vide* page 66, Part I, Bombay Census Report, 1911. These castes are generally described as "untouchables."

†It is estimated that the present population of Bombay City is 1,200,000.

‡ It is estimated that the present population of Sholapur is 90,000.

CONSTITUTION OF EXISTING LEGISLATIVE COUNCIL.

Ex-officio members, including the Governor		5
Nominated members of whom not more than 14 may be officials		21
Elected members—		
(1) by the municipal corporation of Bombay City	1	
(2) by the university of Bombay	1	
(3) by the sardars of the Deccan	1	
(4) by the sardars of Gujarat	1	
(5) by the jagirdars and zamindars of Sind	1	
(6) by municipal commissioners	4	
(7) by district local boards	4	
(8) by the Muhammadan community	4	
(9) by the Indian commercial community through the Indian Merchants' Bureau and the Bombay Native Piece-goods Merchants' Association	1	
(10) by the Bombay Chamber of Commerce	1	
(11) by the Karachi Chamber of Commerce	1	
(12) by the millowners' associations of Bombay and of Ahmedabad alternately	1	
		21
Total		47

To which may be added two expert members.

NUMBER OF ELECTORS.

Municipal corporation of Bombay city	72
University of Bombay	193
Sardars of the Deccan	111
Sardars of Gujarat	39
Jagirdars and zamindars of Sind	950
Municipal commissioners	272
Members of district local boards	200
Muhammadan community	5,613
Indian commercial community	20
Bombay Chamber of Commerce	127
Karachi Chamber of Commerce	56
Millowners' associations	151

SCHEME FOR THE CONSTITUTION OF AND ELECTIONS TO THE PROVINCIAL LEGISLATIVE COUNCIL.

A.—FRANCHISE QUALIFICATIONS.

[In cases where property is held or payments made jointly by the members of a joint family or partnership, the family or partnership shall be adopted as a unit for deciding whether the qualification exists; and the vote shall be exercised in the case of a Hindu joint family by the manager thereof, and in other cases by the member or partner authorized in that behalf by the family or partnership concerned.]

General disqualifications of Electors.

No person will be qualified to vote at any election, if such person

(*a*) is a female, or

(*b*) is under 21 years of age, or

(*c*) is not a British subject or the subject of any State in India, or

(*d*) has been adjudged by a competent court to be of unsound mind.

Qualifications of Electors.

(*i*) *Urban areas, i.e., municipalities, cantonments, and notified areas.*

Every person will be entered in the electoral roll of the constituency who has a place of residence in the area or within two miles of the boundary thereof, and

(*a*) owns or occupies a house or building paying in Bombay city an annual rental of not less than Rs. 120, or in Karachi city of not less than Rs. 60, or

(*b*) in all other municipalities, cantonments and notified areas of the presidency proper,

(1) where a house-tax is levied on the estimated annual rental value, owns or occupies a house or building of which the annual rental value is not less than Rs. 36, or in the districts of Panch Mahals or Ratnagiri Rs. 24; or, where a house tax is levied on the estimated capital value, owns or occupies a house or building of which the capital value is estimated at not less than Rs. 1,500 or in the districts of Panch Mahals and Ratnagiri Rs. 1,000, or

(2) where a house tax is not levied, pays municipal rates other than octroi or toll of not less than Rs. 3 per annum, or

(*c*) in the municipalities, cantonments and notified areas of Sind other than Karachi city, owns or occupies a house or building of the annual rental value of not less than Rs. 36, or

(*d*) pays income-tax, or

(*e*) is a retired and pensioned officer (commissioned or non-commissioned) of the Indian army, or

(*f*) holds a qualification within the area which would entitle him to be entered in the rural roll if the area were not a municipality, cantonment, or notified area.

(*ii*) *Rural Areas.*

Every person will be entered in the electoral roll of the constituency, who has a place of residence in the area, and

(*a*) holds, either in his own right or as tenant, alienated or unalienated land assessed at or of the assessable value of

(*i*) not less than Rs. 16 land revenue in the districts of Panch Mahals and Ratnagiri, or

(*ii*) not less than Rs. 32 land revenue elsewhere in the presidency proper, or

(*b*) holds land in the province of Sind otherwise than as a tenant, on which, during any one of the five years preceding the preparation of the electoral roll, an assessment of not less than Rs. 32 land revenue has been paid, or in the Upper Sind Frontier district Rs. 16, or

(*c*) pays income-tax, or

(*d*) is a retired and pensioned officer (commissioned or non-commissioned) of the Indian army.

In urban and rural constituencies two electoral rolls will be kept, one for Muhammadans and one for non-Muhammadans. No European will be entered in either roll.

(iii) *European Constituencies.*

Every person will be entered in the electoral roll of each constituency who, being a European, has a place of residence in the constituency and has any of the qualifications for an elector in an urban or rural constituency. One seat will be allotted to Bombay city, and the other to the rest of the presidency.

(iv) *Landholders' Constituencies.*

There will be three constituencies, one for the sardars of the Deccan, the second for the sardars of Gujarat, and the third for the jagirdars and zamindars of Sind.

The election to the first seat will be made by the sardars of the Deccan whose names appear in the list for the time being in force under the resolution of the Government of Bombay (Political Department) No. 2363, dated the 23rd July 1867.

The election to the second seat will be made by the sardars of Gujarat whose names appear in the list for the time being in force under the resolution of the Government of Bombay (Political Department) No. 6265, dated the 21st September 1909.

The election to the third seat will be made by

(*a*) jagirdars of the first or second class in Sind, and

(*b*) zamindars in Sind who, for the three years preceding the preparation of the electoral roll, have paid not less than Rs. 1,000 per annum as ordinary land revenue.

Provided that no landholder shall have more than one vote in any one constituency though he may have more than one of the qualifications above described.

(v) *University Constituency.*

The representative of the Bombay University will be elected by the members of the senate and honorary fellows of that university, having a place of residence in India.

(vi) *Commerce and Industry Constituencies.*

Two representatives will be elected by the members of the Bombay Chamber of Commerce.

One representative will be elected by the members of the Karachi Chamber of Commerce.

One representative will be elected by the members of the Bombay Trades Association.

One representative will be elected by the members of the Bombay Millowners' Association.

One representative will be elected by the members of the Ahmedabad Millowners' Association.

One representative will be elected by the members of the Indian Merchants' Chamber and Bureau.

One representative will be elected to represent the cotton trade as soon as the Governor in Council is satisfied that a central association has been formed which adequately represents the trade and to which the right of election may properly be given. Until then the representative of this trade should be appointed by nomination.

The election will be conducted in each case in accordance with regulations to be approved by the Governor in Council. Provision should be made to enable the Governor in Council to revise the method of election for these constituencies from time to time, in order to meet any alteration in the position or constitution of these bodies.*

*The term "member" will include any person entitled to exercise the rights and privileges of membership on behalf and in the name of any firm or joint stock company or corporation registered as a member.

B.—QUALIFICATIONS OF CANDIDATES.

No person will be eligible for election as a member of the Council, if such person

(*a*) is not a British subject or a subject of any State in India, or
(*b*) is an official, or
(*c*) is a female, or
(*d*) has been adjudged by a competent court to be of unsound mind, or
(*e*) is under 25 years of age, or
(*f*) is an uncertificated bankrupt or an undischarged insolvent, or
(*g*) has, in circumstances which, in the opinion of the Governor in Council, involve moral turpitude, been (*i*) dismissed from the service of Government, or (*ii*) sentenced by a criminal court to imprisonment (such sentence not having subsequently been reversed or remitted, or the offender pardoned), or
(*h*) has been dismissed or is under suspension from practising as a legal practitioner by order of any competent court, or
(*i*) is not registered as a voter in the constituency for which he seeks election.

Provided that in cases (*g*) and (*h*) the disqualification may be removed by an order of the Governor in Council in this behalf.

C.—PLURAL VOTING.

At each election to the Council no elector is to vote in more than one of the non-Muhammadan, Muhammadan and European constituencies, but an elector will be at liberty, in addition to voting in one of these constituencies, to exercise any votes to which he may be entitled for landholders', university, or commerce and industry seats.

D.—CONSTITUTION OF THE COUNCIL.

The Council will be constituted as follows:—

Non-Muhammadan urban seats	11	
Non-Muhammadan rural seats	35	
		46
Muhammadan urban seats	5	
Muhammadan rural seats	22	
		27
European seats		2
Landholders' seats		3
University seat		1
Commerce and industry seats—		
Bombay Chamber of Commerce	2	
Karachi Chamber of Commerce	1	
Bombay Trades' Association	1	
Bombay Millowners' Association	1	
Ahmedabad Millowners' Association	1	
Indian Merchants' Chamber and Bureau	1	
Cotton trade	1	
		8
Representatives appointed by nomination—		
(1) Anglo-Indians	1	
(2) Indian Christians	1	
(3) Depressed classes	1	
(4) Labour	1	
(5) Others	2	
		6

Official seats—		
Ex-officio	4	
Nominated	14	
		18
Total .		111
To which may be added by the Governor not more than two experts (official or non-official)		2
		113

The ex-officio members will be the Governor, two members of the Executive Council and the Advocate General.

E.—LIST OF CONSTITUENCIES.

NON-MUHAMMADAN URBAN SEATS—11.

	Number of seats.	Male population in thousands.	Estimated number of electors in thousands.
Bombay City	6	521	61½
Ahmedabad	1	93	16
Karachi	1	49	13
Poona	1	74	15
Surat	1	47	7
Sholapur	1	24	6½
	11	808	119

NON-MUHAMMADAN RURAL SEATS—35.

Ahmedabad District	2		291		20
Broach "	1		123		15½
Kaira "	2		337		26
Panch Mahals "	1		154		8
Surat "	2		253		21
Thana "	2		434		21
Northern Division .		10		1,592	111½
Ahmednagar District	2		452		19
East Khandesh "	3		471		33½
West Khandesh "	1		277		20
Nasik "	2		431		17
Poona "	2		442		16½
Satara "	3		520		18½
Sholapur "	1		338		13
Central Division .		14		2,931	137½
Belgaum District	2		441		22
Bijapur "	1		888		14
Dharwar "	3		451		33
Kanara "	1		206		18
Kolaba "	1		281		16
Ratnagiri "	1		517		12½
Southern Division .		9		2,279	110½

	Number of seats.	Male population in thousands.	Estimated number of electors in thousands.
Hyderabad District			
Thar and Parkar District	1	258	21
Nawabshah "			
Karachi "			
Larkhana "	1	185	25½
Sukkur "			
Upper Sind Frontier "			
Sind*	2	438	46½
TOTAL	35	7,240	406

MUHAMMADAN URBAN SEATS—5.

Bombay City	2	119	13½
Karachi	1	42	6½
Ahmedabad and Surat	1	37	6
Poona and Sholapur	1	19	4
	5	217	30

MUHAMMADAN RURAL SEATS—22.

Ahmedabad District			
Broach "			
Kaira "	3	142	17
Panch Mahals "			
Surat "			
Thana "			
Northern Division	3	142	17
Ahmednagar District			
East Khandesh "			
West Khandesh "			
Nasik "	3	173	8
Poona "			
Satara "			
Sholapur "			
Central Division	3	173	8
Belgaum District			
Bijapur "			
Dharwar "	3	224	9
Kanara "			
Kolaba "			
Ratnagiri "			
Southern Division	3	224	9

* The number of electors in Sind is only roughly estimated.

		Number of seats.		Male population in thousands.		Estimated number of electors in thousands.	
Hyderabad	District . . .	2		239		13	
Karachi	„ . . .	2		177		6½	
Larkhana	„ . . .	3		303		14	
Sukkur	„ . . .	2		227		5	
Thar and Parkar	„ . . .	2		139		14	
Nawabshah	„ . . .	1		196		6½	
Upper Sind Frontier	„ . . .	1		130		5	
	Sind*		13		1,411		64
	Total		22		1,950		98

Where more seats than one are assigned to a district, the Governor in Council may either maintain it as one plural-member constituency or divide it into single-member constituencies, as may be found expedient. In Bombay city the voting will be on the cumulative principle as at present.

The total number of electors for the above constituencies is estimated roughly as follows:—

Urban	Non-Muhammadan (11 seats)	. .	119,000
	Muhammadan (5 „)	. .	30,000
Rural	Non-Muhammadan (35 „)	. .	406,000
	Muhammadan (22 „)	. .	98,000
	Total	.	653,000

The urban electorate will amount to 14·5 per cent. of the male population in the urban constituencies, the rural electorate to 5·5 per cent. of the male population in the rural constituencies, and the total electorate to 6·4 per cent. of the total male population or 3·3 per cent. of the total population.

Explanatory Notes.

1. The term "notified area" denotes a small town with a simplified form of municipal self-government.

2. A house-tax is levied in all towns in the presidency proper except five of minor importance. In Sind on the other hand a house-tax is levied in only three municipalities and in the remaining six no tax is levied at all except octroi. We recommend, therefore, that the urban franchise should be based generally on the annual rental value of houses.

3. In the districts of Panch Mahals and Ratnagiri, a lower qualification of land revenue and a lower urban qualification is proposed in view of the fact that the assessment is light owing to their backward condition.

4. Separate qualifications for rural areas are necessary in the province of Sind, as the land revenue is fluctuating, the amount paid being dependent on the area actually cultivated each year, which varies largely with the supply of water available from irrigation canals. For this reason, it is proposed to base the qualification on the payment made during any one of the five years preceding the preparation of the electoral roll. A lower rate of land revenue payment is recommended in the case of the Upper Sind Frontier district to correspond with the difference in the incidence of assessment.

5. The qualifications proposed for the landholders' constituencies are the same as those at present in force.

6. The Bombay and Karachi Chambers of Commerce and the Bombay Trades Association represent interests mainly European. The Bombay and Ahmedabad Millowners' Associations and the Indian Merchants' Bureau and Chamber represent interests mainly Indian.

---

*See note on previous page.

APPENDIX III.

BENGAL PRESIDENCY.

STATISTICAL SUMMARY.

	Area in square miles.	Population.
British territory	78,699	45,483,077
Deduct excluded areas :—		
(a) Darjeeling	1,164	265,550
(b) Chittagong Hill Tracts	5,138	153,830
Balance	72,397	45,063,697

Male adults of 20 years of age and over		11,696,859
Do. do. do. literate		2,333,112
Do. do. do. literate in English		314,362
Hindus—		
Brahmans	1,233,825	
Non-Brahmans	8,991,868	
Others*	9,948,244	
		20,173,937
Muhammadans		23,975,171
Indian Christians		78,984
Anglo-Indians		18,902
European British subjects		19,707
Others		796,996
Total		45,063,697

Total population of the municipalities and cantonments included in—	
(a) urban constituencies	1,886,014
(b) rural constituencies	1,043,441
Total population of rural areas	42,134,242

Towns of over 50,000 population—	
Calcutta	896,067
Howrah	179,006
Dacca	108,551
Maniktala	53,767
Bhatpara	50,414

* The term "others" include the castes and tribes constituting more than 1 per mille of the total population and classed as Hindus in the Census, which are denied access to the interior of ordinary Hindu temples, and fall within categories 7, 8, 9 or 10 at page 232, Part I, Census Report of Bengal, Bihar and Orissa and Sikkim, 1911. These castes and tribes are generally described as "untouchables"

CONSTITUTION OF EXISTING LEGISLATIVE COUNCIL.

Ex-officio members (including the Governor)		5
Elected members—		
(1) by the corporation of Calcutta	1	
(2) by the university of Calcutta	1	
(3) by the municipal commissioners of certain specified municipalities.	5	
(4) by district boards and local boards	5	
(5) by the landholders of the Presidency, Burdwan, Rajshahi and Dacca divisions.	4	
(6) by the municipal commissioners of the municipalities in the Chittagong division and the landholders of the Chittagong division alternately.	1	
(7) by the Muhammadan community	5	
(8) by the Bengal Chamber of Commerce	2	
(9) by the Calcutta Trades Association	1	
(10) by the commissioners of the port of Chittagong . .	1	
(11) by certain commissioners of the corporation of Calcutta.	1	
(12) by the tea planting community	1	
		28
Nominated members, of whom not more than 16 may be officials and 2 shall be non-officials, to be selected one from the Indian commercial community and one from the European commercial community, exclusive of the tea planters' community, and carrying on business outside Calcutta and Chittagong		20
Total .		53

To which may be added 2 expert members.

NUMBER OF ELECTORS.

Municipal commissioners of certain specified municipalities .	1,134
District boards and local boards	1,115
Landholders of the divisions other than Chittagong . .	576
Municipal commissioners and landholders of the Chittagong division	118
Muhammadan community	6,346

SCHEME FOR THE CONSTITUTION OF AND ELECTIONS TO THE PROVINCIAL LEGISLATIVE COUNCIL.

A.—FRANCHISE QUALIFICATIONS.

[In cases where property is held or payments made jointly by the members of a joint family or partnership, the family or partnership shall be adopted as a unit for deciding whether the qualification exists; and the vote shall be exercised in the case of a Hindu joint family by the manager thereof and in other cases by the member or partner authorized in that behalf by the family or partnership concerned.]

GENERAL DISQUALIFICATIONS OF ELECTORS.

No person will be qualified to vote at any election, if such person

(*a*) is a female, or

(*b*) is under 21 years of age, or

(*c*) is not a British subject or the subject of any State in India, or

(*d*) has been adjudged by a competent court to be of unsound mind.

QUALIFICATIONS OF ELECTORS.

(i) *Urban and Rural Constituencies.*

Every person will be entered in the electoral roll of the constituency who has a place of residence in the constituency or, in the case of urban constituencies, within two miles of the boundary thereof, and

(*a*) in Calcutta is qualified for a municipal vote; or, in Howrah or Cossipore-Chitpur, pays municipal taxes or fees of not less than Rs. 3 per annum; or in other municipal or cantonment areas pays municipal or cantonment taxes or fees of not less than Rs. 1-8-0 per annum, or

(*b*) pays as road and public works cesses not less than Re. 1 per annum, or

(*c*) pays as chaukidari tax under Act VI of 1870 not less than Rs. 2 per annum, or

(*d*) pays income tax, or

(*e*) is a retired and pensioned officer (commissioned or non-commissioned) of the Indian army.

Separate electoral rolls will be kept for Muhammadans, Europeans and Anglo-Indians; all other electors will be entered in a general roll. No Muhammadan, European or Anglo-Indian elector will be entered in the general roll.

(ii) *European Constituencies.*

Every person will be entered in the electoral roll of the constituency who, being a European, has a place of residence in the constituency and has any of the qualifications for an elector in an urban or rural constituency. One seat will be allotted to Calcutta city and the other to the rest of the presidency.

(iii) *Anglo-Indian Constituency.*

Every person will be entered in the electoral roll of this constituency who, being an Anglo-Indian, has a place of residence in the presidency and possesses any of the qualifications for an elector in an urban or rural constituency.

(iv) *Landholders' Constituencies.*

There will be five constituencies, one for each division. Every landholder will be entered in the electoral roll of each constituency who has a place of residence in the constituency, and

(*a*) in the case of the Burdwan and Presidency divisions holds in his own right as proprietor one or more estates or shares of estates, and pays in respect thereof land revenue amounting to not less than Rs. 6,000, or road and public works cesses amounting to not less than Rs. 1,500 per annum, or

(*b*) in the case of the Rajshahi, Dacca and Chittagong divisions holds in his own right as proprietor one or more estates or shares of estates or one or more permanent tenures or shares of such tenures held direct from such proprietor, and pays in respect thereof land revenue amounting to not less than Rs. 3,000 or road and public works cesses amounting to not less than Rs. 750 per annum, or

(*c*) holds the title recognised or conferred by Government of Raja or Nawab, or any higher title.

Provided that no landholder shall have more than one vote in any one constituency though he may have more than one of the qualifications above described.

(v) *University Constituency.*

The representative of the Calcutta university will be elected by the members of the senate and the honorary fellows of that university having a place of residence in India.

The representative of the Dacca university, when constituted, will be elected in accordance with regulations to be approved by the Governor-General in Council. For the present the seat will be in abeyance.

(*vi*) *Commerce and Industry Constituencies.*

Four representatives will be elected by the members of the Bengal Chamber of Commerce.

One representative will be elected by the members of the Indian Jute Mills Association.

One representative will be elected by the members of the Calcutta Baled Jute Association.

One representative will be elected by the members of the Indian Mining Association.

One representative will be elected by the members of the Indian Tea Association.

One representative will be elected by managers of tea-gardens in which the area under cultivation of tea is not less than one hundred acres.

Two representatives will be elected by the members of the Calcutta Trades Association.

One representative will be elected by the members of the Inland Water Transport Board.

One representative will be elected by the members of the Bengal National Chamber of Commerce.

One representative will be elected by the members of the Marwari Association of Calcutta.

One representative will be elected by the members of the Mahajana Sabha of Calcutta.

The voting will be conducted in every case in accordance with regulations to be approved by the Governor in Council. Provision should be made to enable the Governor in Council to revise the method of election for these constituencies from time to time in order to meet any alteration in the position or constitution of these bodies *

B.—QUALIFICATIONS OF CANDIDATES.

No person will be eligible for election as a member of the Council, if such person

(*a*) is not a British subject or a subject of any State in India, or
(*b*) is an official, or
(*c*) is a female, or
(*d*) has been adjudged by a competent court to be of unsound mind, or
(*e*) is under 25 years of age, or
(*f*) is an uncertificated bankrupt or an undischarged insolvent, or
(*g*) has, in circumstances which, in the opinion of the Governor in Council, involve moral turpitude, been (*i*) dismissed from the service of Government, or (*ii*) sentenced by a criminal court to imprisonment (such sentence not having subsequently been reversed or remitted, or the offender pardoned), or
(*h*) has been dismissed or is under suspension from practising as a legal practitioner by order of any competent court:

Provided that in cases (*g*) and (*h*) the disqualification may be removed by an order of the Governor in Council in this behalf.

No person shall be eligible for election as a member of the Council to represent

(1) an urban or rural constituency, unless such person is registered as an elector in an urban or rural constituency within the presidency, or
(2) a European, Anglo-Indian, landholders', university or commerce and industry constituency, unless such person is registered as an elector in the constituency for which he seeks election.

*The term "member" will include any person entitled to exercise the rights and privileges of membership on behalf and in the name of any firm or joint stock company or corporation registered as a member.

C.—PLURAL VOTING.

At each election to the Council no elector is to vote in more than one of the non-Muhammadan, Muhammadan, European and Anglo-Indian constituencies, but an elector will be at liberty, in addition to voting in one of these constituencies, to exercise any votes to which he may be entitled for landholders,' university, or any of the commerce and industry seats.

D.—CONSTITUTION OF THE COUNCIL.

The Council will be constituted as follows :—

Non-Muhammadan urban seats	11	
Non-Muhammadan rural seats	30	
		41
Muhammadan urban seats	6	
Muhammadan rural seats	28	
		34
Landholders' seats		5
University seats		2
European seats		2
Anglo-Indian seat		1
Commerce and industry seats		
Bengal Chamber of Commerce	4	
Jute interests	2	
Indian Mining Association	1	
Indian Tea Association	1	
Tea planters	1	
Calcutta Trades Association	2	
Inland Water Transport Board	1	
Bengal National Chamber of Commerce	1	
Marwari Association of Calcutta	1	
Mahajana Sabha of Calcutta	1	
		15
Representatives appointed by nomination—		
(1) Labour	1	
(2) Indian Christians	1	
(3) Depressed classes	1	
(4) Others	2	
		5
Official seats—		
Ex-officio	4	
Nominated	16	
		20
Total		125
To which may be added by the Governor not more than 2 experts (official or non-official).		2
		127

The ex-officio members will be the Governor, two members of the Executive Council and the Advocate-General.

E.—LIST OF CONSTITUENCIES.

Non-Muhammadan Urban Seats.—11.

	Seats.	Male population in thousands.	Estimated number of electors in thousands.
Calcutta	6	438	32
Municipalities of the Hooghly District	1	73	12
" of the Howrah "	1	98	11
" and cantonments of the 24-Parganas District.	2	242	28
Dacca	1	37	5
Total .	11	888	88

Non-Muhammadan Rural Seats.—30.

Burdwan District	2		624		42
Birbhum "	1		353		14
Bankura "	1		537		38
Midnapore "	2		1,315		64
Hooghly and Howrah Districts (non-municipal).	1		691		33
Burdwan Division .		7		3,520	191
24-Parganas District (non-municipal)	2		598		79
Nadia District	1		328		23
Murshidabad "	1		328		17
Jessore "	2		338		49
Khulna "	1		353		24
Presidency Division .		7		1,945	192
Dacca District (excluding Dacca town).	1		493		28
Mymensingh District . . .	2		634		30
Faridpur "	2		389		45
Bakargunj "	2		376		52
Dacca Division .		7		1,892	155
Chittagong District . . .	1		203		25
Tipperah "	1		345		19
Noakhali "	1		152		9
Chittagong Division .		3		700	53
Rajshahi District	1		174		17
Dilnajpur "	1		460		16
Japaiguri "	1		362		21
Rangpur "	1		442		30
Bogra " . . . . } Pabna " . . . . }	1		275		17
Malda "	1		251		8
Rajshahi Division .		6		1,964	109
Total .		30		10,021	700

	Number of seats	Male population in thousands.	Estimated number of electors in thousands.	
MUHAMMADAN URBAN SEATS—6.				
Calcutta	2	175	4	
Municipalities of Hooghly District	1	17	1	
Municipalities of Howrah District		31	2	
Municipalities and cantonments of the 24-Parganas District	2	103	7	
Dacca	1	26	4	
Total	6	352	18	
MUHAMMADAN RURAL SEATS—28.				
Burdwan District	1	147		
Birbhum "		110		
Bankura "		26	12	
Midnapur "	1	96		
Howrah and Hooghly Districts (non-municipal)		145	9	
Burdwan Division	2	524		21
24-Parganas District (non-municipal)	1	364	23	
Nadia District	1	484	10	
Murshidabad District	1	350	6	
Jessore District	1	563	20	
Khulna "	1	357	12	
Presidency Division	5	2,118		71
Dacca District (excluding Dacca town)	2	921	20	
Mymensingh District	3	1,705	28	
Faridpur "	1	685	23	
Bakargunj "	3	869	70	
Dacca Division	9	4,180		141
Chittagong District	2	519	31	
Tippera "	2	899	25	
Noakhali "	1	494	23	
Chittagong Division	5	1,912		79
Rajshahi District	2	582	34	
Dinajpur "	1	430	16	
Jalpaiguri "	1	128	9	
Rangpur "	1	812	26	
Bogra "	1	409	9	
Pabna "		542	12	
Malda "	1	248	4	
Rajshahi Division	7	3,151		110
Total	28	11,885		422

EUROPEAN SEATS—2.

Calcutta city	1
The remainder of the Presidency	1

Where more seats than one are assigned to a district, the district will, so far as circumstances permit, be divided into the necessary number of single member constituencies by the Governor in Council.

The total number of electors for the above constituencies is estimated roughly as follows :—

Urban	Non-Muhammadan	(11 seats)	88,000
	Muhammadan	(6 „)	18,000
Rural	Non-Muhammadan	(30 „)	700 000
	Muhammadan	(28 „)	422,000
		Total	1,228,000

The urban electorate will amount to 8·5 per cent. of the male population in the urban constituencies, the rural electorate to 5·1 per cent. of the male population in rural constituencies, and the total electorate to 5·3 per cent. of the total male population or 2·7 per cent. of the total population.

Explanatory Notes.

1. The variations in the amount of the municipal tax in the qualifications proposed for urban areas follow the existing municipal franchise.

2. As the land revenue is permanently settled (with few exceptions), the payment of local rates (road and public works cesses), which are based on a periodical rental valuation of land, is proposed as a qualification for rural areas. A payment of Re. 1 as road and public works cesses connotes a rental of Rs. 32 per annum.

3. The chaukidari tax [*vide* sub-clause (*c*) of the "qualifications for urban and rural constituencies"] is levied under Bengal Act VI of 1870 on owners and occupiers of houses in villages. Its assessment and collection is in the hands of small local committees and the proceeds are devoted to the maintenance of a force of village watchmen. The qualification has been adopted as a means of enfranchising classes, such as village traders, who do not hold agricultural land.

4. The qualifications for landholders' constituencies follow the existing regulations.

5. The commerce and industry seats represent interests mainly European, with the exception of the Bengal National Chamber of Commerce, the Marwari Association and the Mahajana Sabha, which represent interests mainly Indian.

APPENDIX IV.

UNITED PROVINCES OF AGRA AND OUDH.

STATISTICAL SUMMARY.

	Area in square miles.	Population.
British Territory—		
Agra	83,109	34,624,040
Oudh	24,158	12,558,004
Total	107,267	47,182,044

NOTE.—It is not proposed to exclude any area from the scheme of franchise.

Male adults of 20 years of age and over		13,345,757
Do. do. literate		1,097,097
Do. do. literate in English		89,876
Hindus—		
Brahmans	4,585,413	
Non-Brahmans	25,418,390	
Others*	10,118,435	
		40,122,238
Muhammadans		6,658,373
Indian Christians		138,189
Anglo-Indians		8,094
European British subjects		32,791
Others		222,359
	Total	47,182,044

Total population of the municipalities, cantonments, notified areas and town areas included in—	
(a) urban constituencies	1,462,765
(b) rural constituencies	2,431,007
Total population of rural areas	43,288,272

Towns of over 50,000 population—	
Lucknow	259,798
Benares	203,804
Agra	185,449
Cawnpore	178,557
Allahabad	171,697
Bareilly	129,462
Meerut	116,227
Moradabad	81,168
Shahjahanpur	71,778
Jhansi	70,208
Aligarh	64,825
Saharanpur	62,850
Farukhabad	59,647
Muttra	58,183
Gorakhpur	56,892
Fyzabad-cum-Ajodhya	54,655

* *i.e.*, untouchable castes, *vide* Groups XI and XII at pages 231, 232, Part I of the United Provinces Census Report, 1901.

CONSTITUTION OF EXISTING LEGISLATIVE COUNCIL.

Ex-officio member (the Lieutenant-Governor)		1
Nominated members, of whom not more than 20 may be officials, and one shall be a non-official person to be selected from the Indian commercial community. .		26
Elected members—		
(1) by the university of Allahabad	1	
(2) by the municipal boards of groups A (Meerut, Agra, Allahabad and Lucknow) and B (Bareilly, Cawnpore, Benares and Fyzabad) . . .	4	
(3) by the district and municipal boards of Meerut, Agra, Rohilkhand, Allahabad, Jhansi, Benares, Gorakhpur, Lucknow and Fyzabad Divisions, one each division	9	
(4) by the landholders	2	
(5) by the Muhammadan community . . .	4	
(6) by the Upper India Chamber of Commerce . . .	1	
		21
Total . .		48

To which may be added 2 expert members.

Number of Electors.

Municipal boards, groups A and B	182
District and municipal boards of the nine divisions .	286
Landholders	535
Muhammadans	1,771

SCHEME FOR THE CONSTITUTION OF AND ELECTIONS TO THE PROVINCIAL LEGISLATIVE COUNCIL.

A.—FRANCHISE QUALIFICATIONS.

[In cases where property is held or payments made jointly by the members of a joint family or partnership, the family or partnership shall be adopted as a unit for deciding whether the qualification exists; and the vote shall be exercised in the case of a Hindu joint family by the manager thereof and in other cases by the member or partner authorized in that behalf by the family or partnership concerned.]

General disqualifications of Electors.

No person will be qualified to vote at any election, if such person

(*a*) is a female, or
(*b*) is under 21 years of age, or
(*c*) is not a British subject, or the subject of any State in India, or
(*d*) has been adjudged by a competent court to be of unsound mind.

Qualifications of Electors.

(*i*) *Urban Areas, i.e., municipalities, cantonments, notified areas and town areas.*

Every person will be entered in the electoral roll of the constituency who has a place of residence in the area or within two miles of the boundary thereof, and

(*a*) pays house or building tax on a house or building of the annual rental value of not less than Rs. 36 per annum, or
(*b*) where there is no house or building tax, pays municipal tax on an income of not less than Rs. 200 per annum, or

(*c*) where there is neither a house or building tax nor a municipal tax on income, occupies a house of the annual rental value of not less than Rs. 36 per annum, or
(*d*) pays income tax, or
(*e*) is a retired and pensioned officer (commissioned or non-commissioned) of the Indian army, or
(*f*) holds a qualification within the area which would entitle him to be entered in the rural roll if the area were not a municipality, cantonment, notified area or town area.

(*ii*) *Rural Areas.*

Every person will be entered in the electoral roll of the constituency who has a place of residence in the area, and
(*a*) pays as the owner of land not less than Rs. 25 per annum land revenue, or in the case of a resident in the hill *pattis* of Kumaun pays land revenue of any amount, or is a *khaikar*, or
(*b*) being a fixed rate tenant in a permanently settled estate (or in Oudh an occupancy tenant) pays a rent of not less than Rs. 25 per annum, or
(*c*) being a tenant, pays a rent of not less than Rs. 50 per annum, or
(*d*) pays income tax, or
(*e*) is a retired and pensioned officer (commissioned or non-commissioned) of the Indian army.

In urban and rural constituencies two electoral rolls will be kept, one for Muhammadans and one for non-Muhammadans. No European will be entered in either roll.

(*iii*) *European Constituency.*

Every person will be entered in the electoral roll of this constituency who, being a European, has a place of residence in the province and has any of the qualifications for an elector in an urban or rural area.

(*iv*) *Taluqdars' Constituency.*

The five members for this constituency will be elected by the members of the British Indian Association (consisting of the taluqdars of Oudh whose estates are governed by Act I of 1869 and whose names are on the list of taluqdars published by the local government) voting in accordance with regulations to be approved by the Governor in Council.

(*v*) *Agra Landholders' Constituency.*

Every landholder will be entered in the electoral roll of this constituency who has a place of residence in the province of Agra, and
(*a*) owns land in that province in respect of which land revenue amounting to not less than Rs. 5,000 per annum is payable, or
(*b*) owns land in that province free of land revenue, if the land revenue nominally assessed on such land in order to determine the amount of rates payable in respect of the same, either alone or together with any land revenue payable in respect of other land by such owner, amounts to not less than Rs. 5,000 per annum, or
(*c*) holds the title of Maharaja, Raja, or Nawab, if conferred or recognised by Government, or
(*d*) holds the title of Rajwar, Rao Bahadur, Rao Rai, Mirza Bahadur, Khan Bahadur, Chaudhuri, or Diwan, if hereditary and recognised by Government,

Provided that no landholder shall have more than one vote though he may have more than one of the qualifications above described.

(*vi*) *University Constituency.*

The representative of the Allahabad University will be elected by the members of the senate and honorary fellows of that university having a place of residence in India.

(*vii*)—*Commerce and Industry Constituencies.*

Two representatives will be elected by the members of the Upper India Chamber of Commerce voting in accordance with regulations to be approved by the Governor in Council.

One representative will be elected by the members of the United Provinces Chamber of Commerce voting in accordance with regulations to be approved by the Governor in Council.

A member of both chambers shall vote in one only of the two constituencies and shall be at liberty to choose in which he will vote. Provision should be made to enable the Governor in Council to revise the method of election for these constituencies from time to time in order to meet any alteration in the position or constitution of these chambers.*

B.—QUALIFICATIONS OF CANDIDATES.

No person will be eligible for election as a member of the Council, if such person

(*a*) is not a British subject or a subject of any State in India, or
(*b*) is an official, or
(*c*) is a female, or
(*d*) has been adjudged by a competent court to be of unsound mind, or
(*e*) is under 25 years of age, or
(*f*) is an uncertificated bankrupt or an undischarged insolvent, or
(*g*) has, in circumstances which, in the opinion of the Governor in Council, involve moral turpitude, been (*i*) dismissed from the service of Government, or (*ii*) sentenced by a criminal court to imprisonment (such sentence not having subsequently been reversed or remitted, or the offender pardoned), or
(*h*) has been dismissed or is under suspension from practising as a legal practitioner by order of any competent court :

Provided that in cases (*g*) and (*h*) the disqualification may be removed by an order of the Governor in Council in this behalf.

No person shall be eligible for election as a member of the Council to represent

(1) an urban or rural constituency, unless such person is registered as an elector in an urban or rural constituency within the province, or
(2) a European, taluqdars', Agra landholders', university or commerce and industry constituency, unless such person is registered as an elector in the constituency for which he seeks election.

C.—PLURAL VOTING.

At each election to the Council no elector is to vote in more than one of the non-Muhammadan, Muhammadan and European constituencies, but an elector will be at liberty, in addition to voting in one of these constituencies, to exercise any votes to which he may be entitled for the taluqdars', Agra landholders', university or commerce and industry seats.

D.—CONSTITUTION OF THE COUNCIL.

The Council will be constituted as follows :—

Non-Muhammadan urban seats . . .	8	
Non-Muhammadan rural seats . . .	49	
		57
Muhammadan urban seats	4	
Muhammadan rural seats	23	
		27

* The term "member" will include any person entitled to exercise the rights and privileges of membership on behalf and in the name of any firm or joint stock company or corporation registered as a member.

European seat		1
Taluqdars' seats		5
Agra landholders' seat		1
University seat		1
Commerce and industry seats		
Upper India Chamber of Commerce	2	
United Provinces Chamber of Commerce	1	
		3
Representatives appointed by nomination		
(1) Depressed classes	1	
(2) Anglo-Indians	1	
(3) Indian Christians	1	
(4) Others	2	
		5
Official seats		
Ex-officio	4	
Nominated	14	
		18
		118
To which may be added by the Governor not more than two experts (official or non-official)		2
		120

The ex-officio members will be the Governor, two members of the Executive Council and the Legal Remembrancer.

E.—LIST OF CONSTITUENCIES.

NON-MUHAMMADAN URBAN SEATS.—8.

	Number of seats.	Male population in thousands.	Estimated number of electors in thousands.
Agra	1	69	7½
Cawnpore	1	77	6
Allahabad	1	69	6½
Lucknow	1	90	10½
Benares	1	76	9½
Bareilly	1	38	1½
Meerut, Aligarh	1	59	3¾
Moradabad, Shahjahanpur	1	36	3
Total	8	514	48¼

NON-MUHAMMADAN RURAL SEATS.—49.

Dehra Dun and Saharanpur Districts	1	465	37	
Muzaffarnagar District	1	319	29	
Meerut "	2	599	60	
Bulandshahr "	2	484	95	
Meerut Division	6	1,867	221	
Aligarh District	2	531	49	
Muttra "	1	328	28	
Agra "	1	426	38	
Mainpuri "	1	415	26	
Etah "	1	426	28	
Agra Division	6	2,126	169	

	Number of seats	Male population in thousands	Estimated number of electors in thousands
Bareilly District	1	409	23
Bijnor ,,	1	282	29
Budaun ,,	1	483	25
Moradabad ,,	1	420	32
Shahjahanpur ,,	1	424	12
Pilibhit ,,	1	217	9
Rohilkhand Division	6	2,235	130
Jhansi and Jalaun District	1	528	24
Hamirpur and Banda Districts	1	534	26
Jhansi Division	2	1,062	50
Farukhabad District	1	439	21
Etawah ,,	1	392	28
Cawnpore ,,	1	490	29
Fatehpur ,,	1	311	17
Allahabad ,,	1	576	24
Allahabad Division	5	2,208	119
Benares District	1	326	10
Mirzapur ,,	1	496	10
Jaunpur ,,	1	526	14
Ghazipur ,,	1	384	12
Ballia ,,	1	398	12
Benares Division	5	2,130	58
Gorakhpur District	2	1,442	25
Basti ,,	1	772	18
Azamgarh ,,	1	657	17
Gorakhpur Division	4	2,871	60
Naini Tal District	1	142	19*
Almora ,,	1	264	96*
Garhwal ,,	1	233	35*
Kumaun Division	3	639	150
Lucknow District	1	238	18
Unao ,,	1	439	23
Rae Bareli ,,	1	467	20
Sitapur ,,	1	516	40
Hardoi ,,	1	547	32
Kheri ,,	1	438	21
Lucknow Division	6	2,645	154
Fyzabad District	1	512	20
Gonda ,,	1	604	25
Bahraich ,,	1	440	26
Sultanpur ,,	1	460	15
Partabgarh ,,	1	392	14
Bara Banki ,,	1	472	36
Fyzabad Division	6	2,880	136
Total	49	20,663	1,247

* Including rural Muhammadan electors.

MUHAMMADAN URBAN SEATS.—4.

	Number of seats	Male population in thousands.	Estimated number of electors in thousands.
Allahabad and Benares . . .	1	57	4
Lucknow and Cawnpore . . .	1	82	3¾
Agra, Aligarh and Meerut . . .	1	74	4¾
Bareilly, Moradabad and Shahjahanpur .	1	77	3¾
Total .	4	290	16¼

MUHAMMADAN RURAL SEATS.—23.

Dehra Dun District Saharanpur ,, . . .	1	197	15
Meerut ,, . .	1	157	12
Muzaffarnagar ,, . .	1	126	10
Bijnor ,, . . .	1	145	10
Bulandshahr ,, . . .	1	109	14
Aligarh ,, Muttra ,, Agra ,, . . .	1	125	7
Mainpuri ,, Etah ,, Farukhabad ,, . . .	1	128	7
Etawah ,, Cawnpore ,, Fatehpur ,, . . .	1	93	5
Jhansi ,, Jalaun ,, Hamirpur ,, Banda ,, . . .	1	65	3
Allahabad ,, Jaunpur ,, Mirzapur ,, . . .	1	157	7
Benares ,, Ghazipur ,, Ballia ,, Azamgarh ,, . . .	1	175	8
Gorakhpur ,, . . .	1	163	2
Basti ,, . . .	1	154	4
Moradabad ,, . . .	2	213	15
Budaun ,, Shahjahanpur ,, . . .	1	148	10
Bareilly ,, . . .	1	114	6
Pilibhit ,, Kumaun Division . . .	1	91	2
Gonda District Bahraich ,, . . .	1	219	11
Kheri ,, Sitapur ,, . . .	1	163	5
Hardoi ,, Lucknow ,, Unao ,, . . .	1	132	8
Fyzabad ,, Bara Banki ,, . . .	1	155	7
Sultanpur ,, Partabgarh ,, Rae Bareli ,, . . .	1	144	4
Total .	23	3,173	17¾

Where more seats than one are assigned to a district, the district will, so far as circumstances permit, be divided into the necessary number of single-member constituencies by the Governor in Council.

The total number of electors for the above constituencies is estimated roughly as follows :—

Urban	Non-Muhammadan	(8 seats)	48,250
	Muhammadan	(4 „)	16,250
Rural	Non-Muhammadan	(49 „)	1,247,000
	Muhammadan	(23 „)	172,000*
		Total	1,483,500

The urban electorate will amount to 8 per cent. of the male population in the urban constituencies, the rural electorate to 5·9 per cent.* of the male population in the rural constituencies, and the total electorate to 6 per cent. of the total male population or 3·1 per cent. of the total population.

Explanatory Notes.

1. In the qualifications of electors in rural areas, the term "hill *pattis* of Kumaun" is used to designate a particular tract where the tenures differ considerably from those in the rest of the province. A *khaikar* in Kumaun is a special class of proprietor possessing hereditary but not transferable rights. A fixed rate tenant and an occupancy tenant receive special protection under the Rent Acts, and ordinarily pay substantially a lower rate of rent than other tenants not so protected.

2. The taluqdars of Oudh are a specially privileged class of large landholders, who were given special rights and privileges under the Taluqdari Acts, as a recognition of their loyalty in the Mutiny of 1857. Succession in many estates is governed by primogeniture. They have formed the British Indian Association, which is recognized by government. The latter collects from them by agreement a cess, half of which maintains the Association and half is devoted to special educational institutions. The large landholders of the Agra province are distinct from the taluqdars, and the qualifications recommended are those in force for the present council.

3. The Upper India Chamber of Commerce represents mainly European interests, and the United Provinces Chamber of Commerce Indian interests.

---

* Excluding the Muhammadan rural electors in the Kumaun division who are included in the figures of the non-Muhammadan rural electorates

APPENDIX V.

PROVINCE OF THE PUNJAB.

STATISTICAL SUMMARY.

	Area in square miles.	Population.
British territory	99,221	19,576,402
Deduct excluded areas :—		
(a) Lahoul	1,764	7,760
(b) Spiti	2,931	3,629
Balance	94,526	19,565,013

Male adults of 20 years of age and over	5,641,206
Do. do. do. literate	544,522
Do do. do. literate in English	69,823

Hindus—		
Brahmans	720,343	
Non-Brahmans	3,947,726	
Others*	1,738,071	
		6,406,140
Muhammadans		10,840,499
Sikhs		2,090,915
Indian Christians		158,918
Anglo-Indians		2,966
European British subjects		30,286
Others		35,289
		19,565,013

Total population of municipal towns, cantonments and notified areas	2,171,704
Total population of rural areas	17,393,309

Towns of over 50,000 population—	
Lahore	228,687
Amritsar	152,756
Multan	99,243
Rawalpindi	86,483
Ambala	80,131
Jullundur	69,318
Sialkot	64,869
Ferozepur	50,836

CONSTITUTION OF EXISTING LEGISLATIVE COUNCIL.

Ex-officio (the Lieutenant Governor)		1
Nominated, of whom not more than 11 may be officials		17
Elected members—		
(1) by the university of the Punjab	1	
(2) by municipal and cantonment committees	4	
(3) by district boards	5	
(4) by the Punjab Chamber of Commerce	1	
		11
Total		29

To which may be added 2 expert members.

* Includes castes which are not ordinarily admitted to a Hindu temple. *Vide* page 190, Part I, Punjab Census Report, 1911.

NUMBER OF ELECTORS.

Members of municipal and cantonment committees .	425
Members of district boards	855

SCHEME FOR THE CONSTITUTION OF AND ELECTIONS TO THE PROVINCIAL LEGISLATIVE COUNCIL.

A.—FRANCHISE QUALIFICATIONS.

[In cases other than those falling under qualification (*b*) for electors in rural areas, where property is held or payments made jointly by the member of a joint family or partnership, the family or partnership shall be adopted as a unit for deciding whether the qualification exists; and the vote shall be exercised in the case of a Hindu joint family by the manager thereof, and in other cases by the member or partner authorised in that behalf by the family or partnership concerned.]

GENERAL DISQUALIFICATIONS OF ELECTORS.

No person will be qualified to vote at any election, if such person

(*a*) is a female, or
(*b*) is under 21 years of age, or
(*c*) is not a British subject or the subject of any State in India, or
(*d*) has been adjudged by a competent court to be of unsound mind.

QUALIFICATIONS OF ELECTORS.

(*i*) *Urban Areas, i.e., municipalities, cantonments and notified areas.*

Every person will be entered in the electoral roll of the constituency who has a place of residence in the area or within two miles of the boundary thereof, and

(*a*) owns or occupies immovable property of the value of Rs. 5,000, or
(*b*) pays direct municipal tax of not less than Rs. 50 per annum, or
(*c*) owns or occupies premises of an estimated annual rental value of not less than Rs. 120 per annum, or
(*d*) pays income tax, or
(*e*) is a retired and pensioned officer (commissioned or non-commissioned) of the Indian army, or
(*f*) holds a qualification within the area which would entitle him to be entered in the rural roll if the area were not a municipality, cantonment or notified area.

(*ii*) *Rural Areas.*

Every person will be entered in the electoral roll of the constituency who has a place of residence in the area, and

(*a*) is a lumbardar,* zaildar, inamdar, or sufedposh, or
(*b*) is an owner of land whose holding or share in a holding is assessed to land revenue of not less than Rs. 50 per annum, or
(*c*) is a Crown tenant holding land under the Punjab Colonization of Land Act (Punjab Act V of 1912), or a lessee for a term of not less than 10 years under the Waste Land Rules, such land being in either case assessed to land revenue of not less than Rs. 50 per annum, or
(*d*) is an assignee of land revenue of not less than Rs. 50 per annum, or

* Where a substitute lumbardar has been appointed, he will be entered in the roll instead of the lumbardar.

(*e*) pays income-tax, or

(*f*) is a retired and pensioned officer (commissioned or non-commissioned) of the Indian army.

Separate electorate rolls will be kept for Muhammadans and Sikhs. All other electors will be entered in a general roll. No Muhammadan or Sikh elector will be entered in the roll for the general electorate

The declaration of an elector that he is a Muhammadan or Sikh shall be accepted by the officer charged with the preparation of the electoral roll, unless he is satisfied that the declaration is not made in good faith, in which case the officer shall record in writing his reasons for refusing to accept the declaration of the elector.

(*iii*) *Landholders' Constituencies.*

There will be four constituencies.

Two representatives will be elected by Muhammadans in the landholders' electoral roll, the province being for this purpose divided into two constituencies by the Governor in Council and the electors voting in the constituency in which they have their place of residence.

One representative will be elected by Sikhs in the landholders' electoral roll.

One representative will be elected by the remainder (*i.e.*, neither Muhammadans nor Sikhs) of the persons in the landholders' electoral roll.

Every landholder will be entered in the electoral roll of each constituency who has a place of residence in the constituency, and

(*a*) holds land assessed to an annual land revenue of Rs. 500, or

(*b*) is an assignee of land revenue of Rs. 500 per annum, or

(*c*) has been recognised by Government as holding an hereditary seat in darbar.

Provided that no landholder shall have more than one vote in any one constituency though he may have more than one of the qualifications above described.*

(*iv*) *University Constituency.*

The representative of the Punjab University will be elected by the members of the senate and the honorary fellows of that university, resident in India.

(*v*) *Commerce and Industry Constituencies.*

One representative will be elected by the members of the Punjab Chamber of Commerce and the Punjab Trades Association voting jointly, the election being carried out in accordance with regulations to be approved by the Governor in Council. Provision should be made to enable the Governor in Council to revise the method of election for this constituency from time to time in order to meet any alteration in the position or constitution of these associations.†

One representative will be elected by persons whose qualifications will be as follows :—

(*a*) being the owner, or a person appointed by the owner for the purpose of voting on his behalf, of a factory situated in the Punjab and subject to the provisions of the Indian Factories Act XII of 1911, no owner being entitled to more than one vote, or

(*b*) being appointed for the purpose of voting by any company having a place of business in the Punjab and a paid up capital of not less than Rs. 25,000 and being a company as defined in section 2 of the Indian Companies Act VII of 1913.

Provided that companies, persons or firms entitled to vote as members of the Punjab Chamber of Commerce or the Punjab Trades Association shall be excluded from this roll.

---

* The total number of electors for these four seats is estimated at about 2,400.

†The term "member" will include any person entitled to exercise the rights and privileges of membership on behalf and in the name of any firm or joint stock company or corporation registered as a member.

B.—QUALIFICATIONS OF CANDIDATES.

No person will be eligible for election as a member of the Council, if such person

(*a*) is not a British subject or a subject of any State in India, or
(*b*) is an official, or
(*c*) is a female, or
(*d*) has been adjudged by a competent court to be of unsound mind, or
(*e*) is under 25 years of age, or
(*f*) is an uncertificated bankrupt or an undischarged insolvent, or
(*g*) has, in circumstances which, in the opinion of the Governor in Council, involve moral turpitude, been (*i*) dismissed from the service of Government, or (*ii*) sentenced by a criminal court to imprisonment (such sentence not having subsequently been reversed or remitted or the offender pardoned), or
(*h*) has been dismissed or is under suspension from practising as a legal practitioner by order of any competent court, or
(*i*) is not registered as an elector in the constituency for which he seeks election.

Provided that in cases (*g*) and (*h*) the disqualification may be removed by an order of the Governor in Council in this behalf.

C.—PLURAL VOTING.

At each election to the Council no elector is to vote in more than one of the general, Muhammadan or Sikh constituencies, but an elector will be at liberty, in addition to voting in one of these constituencies, to exercise any votes to which he may be entitled for landholders', university or commerce and industry seats.

D.—CONSTITUTION OF THE COUNCIL.

The Council will be constituted as follows :—

General urban seats	4	
General rural seats	14	
		18
Muhammadan urban seats	6	
Muhammadan rural seats	22	
		28
Sikh seats		8
Landholders' seats—		
General	1	
Muhammadan	2	
Sikh	1	
		4
University seat		1
Commerce and industry seats		2
Representatives appointed by nomination—		
(1) Military interests	1	
(2) Europeans and Anglo-Indians	2	
(3) Indian Christians	1	
(4) Others	2	
		6
Official seats		
Ex-officio	4	
Nominated	12	
		16
	Total	83
To which may be added by the Governor not more than 2 experts (official or non-official)		2
		85

The ex-officio members will be the Governor, two members of the Executive Council and the Legal Remembrancer.

E.—LIST OF CONSTITUENCIES.

General urban seats—4.

	Number of seats.	Male population in thousands.	Estimated number of electors in thousands.
Ambala and Jullundur Divisions . . .	1	226	
Lahore Division (excluding Lahore and Amritsar cities).	1	47	
Lahore and Amritsar cities	1	92	
Rawal Pindi and Multan Divisions . . .	1	112	
	4	177*	

General rural seats—14.

Ambala District, Simla "	1	193	3	
Karnal "	1	291	4	
Gurgaon "	1	238	4	
Rohtak "	1	300	5	
Hissar "	1	271	2½	
Ambala Division .	5	1,293	18½	
Kangra District	1	374	1¾	
Hoshiarpur "	1	267	3½	
Jullundur " Ludhiana " Ferozepur "	1	323	3	
Jullundur Division .	3	964	8¼	
Lahore District, Amritsar "	1	247	1	
Gurdaspur "	1	158	2¼	
Sialkot " Gujranwala "	1	248	4	
Lahore Division	3	653	7¼	
Gujrat District Shahpur " Jhelum " Rawalpindi " Attock " Mianwali "	1	104	1½	
Rawalpindi Division .	1	104	1½	
Montgomery District Lyallpur " Jhang " . . .	1	166	2	
Multan " Muzaffargarh " Dera Ghazi Khan " . . .	1	101	3	
Multan Division .	2	267	5	
Total .	14	3,281	40½	

* *i.e.* of municipalities and cantonments. The population of notified areas is in these tables included in that of the rural constituencies, as separate figures are not available in all cases.

MUHAMMADAN URBAN SEATS—6.

	Number of seats.	Male population in thousands.	Estimated number of electors in thousands.
Ambala Division	1	90	
Jullundur "	1	84	
Lahore " (excluding Lahore and Amritsar cities)	1	85	
Lahore and Amritsar cities	1	119	
Rawal Pindi Division	1	90	
Multan "	1	78	
	6	546*	

MUHAMMADAN RURAL SEATS—22.

Ambala District, Simla ", Karnal "	1		187		2½	
Gurgaon ", Rohtak ", Hissar "	1		266		3¼	
Ambala Division		2		453		5¾
Kangra District, Hoshiarpur "	1		167		2¼	
Jullundur ", Ludhiana "	1		239		2½	
Ferozepur "	1		211		2	
Jullundur Division		3		617		6¾
Lahore District	1		256		1½	
Amritsar "	1		182		1	
Gurdaspur "	1		211		2½	
Sialkot "	1		307		4	
Gujranwala "	1		324		6	
Lahore Division		5		1,280		15
Gujrat District	1		334		3½	
Shahpur "	1		295		7	
Jhelum "	1		226		2½	
Rawalpindi "	1		215		2½	
Attock ", Mianwali "	1		389		3¼	
Rawalpindi Division		5		1,459		18¾
Montgomery District	1		210		2½	
Lyallpur "	2		286		16¾	
Jhang "	1		217		4½	
Multan "	1		329		3½	
Muzaffargarh "	1		262		2	
Dera Ghazi Khan District	1		228		1	
Multan Division		7		1,532		30¼
Total		22		5,341		76½

* *Vide* footnote on preceding page.

SIKH SEATS—8.

	Number of seats.	Male population in thousands.	Estimated number of electors in thousands.
Ambala Division	1	86	1½
Jullundur „	2	446	8
Lahore „	2	426	16¾
Rawal Pindi „	1	89	1½
Multan „	2	148	11
Total .	8	1,195	38¾

In every case where more seats than one are assigned to a division or district, the area will, so far as circumstances permit, be divided into the necessary number of single member constituencies by the Governor in Council.

The total number of electors for the above constituencies is estimated roughly as follows :—

Urban	77,000
Rural	160,000
Total .	237,000

The urban electorate will amount to approximately 7·5 per cent. of the male population in urban constituencies, the rural electorate (including the Sikh electors) to 1·6 per cent. of the male population in rural constituencies and the total electorate to 2·2 per cent. of the total male population, or 1 2 per cent. of the total population.

Explanatory Notes.

1. In the qualifications for the urban electorate it has been necessary to include the ownership or occupation of immovable property as there are many municipalities which have no taxation based on annual rental. The term "notified area" denotes a small town, ordinarily of less than 10,000 inhabitants, with a simplified form of municipal self-government.

2. In the qualifications for rural areas, the term 'lumbardar' denotes a village headman. The post is hereditary (though succession requires confirmation by Government); the chief duty of the headman is the collection of revenue and other government dues, but he has also duties in connection with the general administration, such as the reporting of crime. His remuneration consists of a proportion of the revenue collections. The 'zaildar', 'inamdar' and 'sufedposh' are rural notables, selected almost entirely from among the headmen of better standing, who receive an annual fee from government for assistance in revenue and administrative matters. The 'Crown tenants' under the Colonization Act are settlers on newly irrigated government lands, who have the status of occupancy tenants pending the period when, under the regulations, they acquire the right to purchase their lands. An assignee of land revenue is a person who has, for services rendered to the British Government or previous administrations, been granted the right to enjoy the revenue assessed on a particular area of land, or receive direct from the revenue payers a definite amount of land revenue.

3. Communal representation is proposed in the landholders' constituencies owing to the difficulty of maintaining otherwise the due proportion of communal seats in the council.

4. The Punjab Chamber of Commerce and the Punjab Trades' Association represent interests mainly European.

APPENDIX VI.

PROVINCE OF BIHAR AND ORISSA.

STATISTICAL SUMMARY.

	Area in square miles.	Population.
British territory	83,181	34,490,084
Deduct excluded areas:—		
(a) Angul district	1,681	199,451
(b) The Santal Parganas District except municipalities.	5,463	1,844,172
Balance	76,037	32,446,461

Male adults of 20 years of age and over	8,028,952
Do. do. do. literate	963,564
Do. do. do. literate in English	51,284

Hindus—		
Brahmans	1,593,422	
Non-Brahmans	16,283,787	
Others†	9,382,321	
		27,259,530
Muhammadans		3,489,912
Animists		1,431,410
Indian Christians		210,450
Anglo-Indians		3,187
European British subjects		5,337
Others		7,834
	Total	32,407,660

Total population of municipalities and cantonments	1,162,245
Total population of rural areas	31,284,216

Towns of over 50,000 population—	
Patna	136,153
Bhagalpur	74,349
Darbhanga	62,628
Cuttack	52,528

* These and the following figures do not include the population of the municipalities of the Santal Parganas District, although these municipalities are included in the scheme.

† The term "others" includes the castes and tribes contributing more than one per mille of the total population and classed as Hindus in the Census, which are denied access to the interior of ordinary Hindu temples, and fall within categories 7, 8, 9 or 10 at p. 232, Part I, Census Report of Bengal, Bihar and Orissa and Sikkim, 1911. These castes and tribes are generally described as "untouchables."

CONSTITUTION OF EXISTING LEGISLATIVE COUNCIL.

Ex-officio members, including the Lieutenant-Governor		4
Nominated members, of whom not more than 15 may be officials		19
Elected members—		
(1) by municipal commissioners	5	
(2) by district boards	5	
(3) by landholders	5	
(4) by Muhammadans	4	
(5) by the mining interest	1	
(6) by the planting interest	1	
		21
Total		44

To which may be added one expert member.

NUMBER OF ELECTORS.

Municipal commissioners	620
District board members	262
Landholders	321
Muhammadans	1,201

SCHEME FOR THE CONSTITUTION OF AND ELECTIONS TO THE PROVINCIAL LEGISLATIVE COUNCIL.

A.—FRANCHISE QUALIFICATIONS.

[In cases where property is held or payments made jointly by the members of a joint family or partnership, the family or partnership shall be adopted as a unit for deciding whether the qualification exists; and the vote shall be exercised in the case of a Hindu joint family by the manager thereof, and in other cases by the member or partner authorized in that behalf by the family or partnership concerned.]

GENERAL DISQUALIFICATIONS OF ELECTORS.

No person will be qualified to vote at any election, if such person

(*a*) is a female, or
(*b*) is under 21 years of age, or
(*c*) is not a British subject or the subject of any State in India, or
(*d*) has been adjudged by a competent court to be of unsound mind.

QUALIFICATIONS OF ELECTORS.

(*i*) *Urban Constituencies.*

Every person will be entered in the electoral roll of the constituency, who has a place of residence in the constituency or within two miles of the boundary thereof, and

(*a*) pays in respect of any municipal or cantonment rates an aggregate amount of not less than Rs. 3 per annum, or
(*b*) pays income-tax, or
(*c*) is a retired and pensioned officer (commissioned or non-commissioned) of the Indian army, or
(*d*) holds a qualification within the constituency which would entitle him to be entered in the rural roll if the constituency were rural.

(*ii*) *Rural Constituencies.*

Every person will be entered in the electoral roll of the constituency, who has a place of residence in the constituency, and

(*a*) holds an estate or estates or portion of an estate or portions of estates, for which a separate account or accounts have been opened, whether revenue paying or revenue free or rent free land, for which an aggregate amount of not less than Rs. 12 per annum is payable direct to the Treasury as local cess, or
(*b*) holds a tenure and is assessed for the purpose of local cess at not less than Rs. 100 per annum, or

(*c*) holds land as a raiyat and pays an annual rent of :—
Rs. 16 in the Orissa and Chota Nagpur Division, or
Rs. 64 in the Patna Division and the Monghyr District, or
Rs. 48 elsewhere, or

(*d*) pays an assessment of not less than Rs. 1-8 to a Union Committee established under Chapter III of the Local Self-Government Act [III (B C.) of 1885], or

(*e*) pays income-tax, or

(*f*) is a retired and pensioned officer (commissioned or non-commissioned) of the Indian army.

In urban and rural constituencies, two electoral rolls will be kept, one for Muhammadans and one for non-Muhammadans. No European will be entered in either roll.

(*iii*) *European Constituency.*

Every person will be entered in the electoral roll of this constituency who, being a European, has a place of residence in the province, and has any of the qualifications for an elector in an urban or rural constituency.

(*iv*) *Landholders' Constituencies.*

There will be five constituencies, each consisting of one division. Every landholder will be entered in the electoral roll of each constituency, who has a place of residence in the constituency, and

(*a*) pays not less than Rs. 4,000 land revenue or Rs. 1,000 local cess in the Patna, Tirhut and Bhagalpur divisions, or Rs. 6,000 land revenue or Rs. 500 local cess in the Orissa and Chota Nagpur divisions ; or

(*b*) holds the title recognized or conferred by Government of Rajah or Nawab, or any higher title.

Provided that no landholder shall have more than one vote in any one constituency though he may have more than one of the qualifications above described.*

(*v*) *University Constituency.*

The representative of the Patna University will be elected by the members of the senate of that university having a place of residence in India.

(*vi*) *Planting Constituency.*

The representative of this constituency will be elected by the members of the Bihar Planters' Association, voting in accordance with regulations to be approved by the Governor in Council. Provision should be made to enable the Governor in Council to revise the method of election for this constituency from time to time, in order to meet any alteration in the position or constitution of this association.†

(*vii*) *Mining Constituencies.*

Of the two mining representatives, one will be elected by the members of the Indian Mining Association and the other by the members of the Indian Mining Federation, voting in accordance with regulations to be approved by the Governor in Council. A member of both bodies shall vote in one only of the two constituencies, and shall be at liberty to choose in which he will vote. Provision should be made to enable the Governor in Council to revise the method of election for these constituencies from time to time, in order to meet any alteration in the position or constitution of these bodies.†

B.—QUALIFICATIONS OF CANDIDATES.

No person will be eligible for election as a member of the Council, if such person

(*a*) is not a British subject or a subject of any State in India, or

(*b*) is an official, or

(*c*) is a female, or

* The total number of electors for the five landholders' seats will be about 320 who pay about one-third of the total cess paid in the province.

† The term "member" will include any person entitled to exercise the rights and privileges of membership on behalf and in the name of any firm or joint stock company or corporation registered as a member.

(*d*) has been adjudged by a competent court to be of unsound mind, or
(*e*) is under 25 years of age, or
(*f*) is an uncertificated bankrupt or an undischarged insolvent, or
(*g*) has, in circumstances which, in the opinion of the Governor in Council, involve moral turpitude, been (*i*) dismissed from the service of Government, or (*ii*) sentenced by a criminal court to imprisonment (such sentence not having subsequently been reversed or remitted, or the offender pardoned), or
(*h*) has been dismissed or is under suspension from practising as a legal practitioner by order of any competent court:

Provided that in cases (*g*) and (*h*) the disqualification may be removed by an order of the Governor in Council in this behalf.

No person shall be eligible for election as a member of the Council to represent

(1) an urban or rural constituency, unless such person is registered as an elector in an urban or rural constituency within the province, or
(2) a European, landholders', university, planting or mining constituency, unless such person is registered as an elector in the constituency for which he seeks election.

C.—PLURAL VOTING.

At each election to the Council no elector is to vote in more than one of the non-Muhammadan, Muhammadan and European constituencies, but an elector will be at liberty, in addition to voting in one of these constituencies, to exercise any votes to which he may be entitled for landholders', university, planting or mining seats.

D.—CONSTITUTION OF THE COUNCIL.

The Council will be constituted as follows:—

Non-Muhammadan urban seats	6	
Non-Muhammadan rural seats	40	
		46
Muhammadan urban seats	3	
Muhammadan rural seats	14	
		17
European seat		1
Landholders' seats		5
University seat		1
Planting seat		1
Mining seats		
Indian Mining Association	1	
Indian Mining Federation	1	
		2
Representatives appointed by nomination		
(1) Industrial interests other than planting and mining	1	
(2) Aborigines	1	
(3) Depressed classes	1	
(4) Domiciled Bengalis	1	
(5) Anglo-Indians	1	
(6) Indian Christians	1	
(7) Labour	1	
(8) Others	2	
		9
Official seats		
Ex-officio	4	
Nominated	12	
		16
Total		98
To which may be added by the Governor not more than 2 experts (official or non-official)		2
		100

The ex-officio members will be the Governor, two members of the Executive Council and the Legal Remembrancer.

E.—LIST OF CONSTITUENCIES.

NON-MUHAMMADAN URBAN SEATS—6.

	Number of seats.	Male population in thousands.	Estimated number of electors in thousands.
Patna City	1	52	4
Other municipalities and cantonments of the Patna Division.	1	97	10
Municipalities of the Tirhut Division	1	159	10
" of the Bhagalpur Division.	1	89	10
" and cantonments of the Orissa Division.	1	74	7½
" and cantonments of the Chota Nagpur Division.	1	52	4½
Total	6	523	46

NON-MUHAMMADAN RURAL SEATS—40.

Patna District	2	643		38	
Gaya "	3	937		54	
Shahabad "	3	807		43	
Patna Division	8		2,387		135
Muzaffarpur District	4	919		33	
Saran "	2	787		29	
Champaran "	2	1,165		16	
Darbhanga "	4	1,155		33	
Tirhut Division	12		4,026		111
Bhagalpur District	3	921		36	
Monghyr "	3	923		35	
Purnea "	1	581		13	
Bhagalpur Division	7		2,425		84
Cuttack District	2	936		24	
Balasore "	2	480		12½	
Puri "	2	474		16½	
Sambalpur "	1	358		6	
Orissa Division	7		2,248		59
Ranchi District	1	635		11½	
Hazaribagh "	1	550		21½	
Palamau "	1	310		14	
Manbhum "	2	729		13	
Singhbhum "	1	333		8	
Chota Nagpur Division	6		2,557		68
Total	40		13,643		457

MUHAMMADAN URBAN SEATS—3.

Municipalities and cantonments of the Patna Division	1	51	6
" of the Tirhut Division	1	35	3½
" of the Bhagalpur Division	1	27	3
Total	3	113	12½

NOTE.—Muhammadan urban electors of the Orissa and Chota Nagpur Divisions will vote in the rural Muhammadan constituencies.

	Number of seats.	Male population in thousands.	Estimated number of electors in thousands.
MUHAMMADAN RURAL SEATS—14.			
Patna District	2	49	8
Gaya ,,	1	91	6
Shahabad ,,	1	48	3
Patna Division	4	188	17
Muzaffarpur District	1	113	5
Saran ,,	1	133	4
Champaran ,,	1	152	3
Darbhanga ,,	1	161	5
Tirhut Division	4	559	17
Bhagalpur District	1	95	4
Monghyr ,,	1	86	4
Purnea ,,	2	417	10
Bhagalpur Division	4	598	18
Cuttack District		23	1
Balasore ,,	1	13	½
Puri ,,		9	½
Sambalpur ,,		1	
Add urban	...	8	1
Orissa Division	1	54	3
Ranchi District		21	½
Hazaribagh ,,		61	2½
Palamau ,,	1	28	1
Manbhum ,,		43	1
Singhbhum ,,		4	..
Add urban	...	12	½
Chota Nagpur Division	1	169	5½
Total	14	1,568	60½

Where more seats than one are assigned to a district, the district will, so far as circumstances permit, be divided into the necessary number of single-member constituencies by the Governor in Council.

The total number of electors for the above constituencies is estimated roughly as follows :—

Urban	Non-Muhammadan	(6 seats)	46,000
	Muhammadan	(3 ,,)	12,500†
Rural	Non-Muhammadan	(40 ,,)	457,000
	Muhammadan	(14 ,,)	60,500*
		Total	576,000

The urban electorate will amount to 9·2 per cent. of the male population in the urban constituencies, the rural population to 8·4 of the male population in the rural constituencies, and the total electorate to 3·6 per cent. of the total male population or 1·8 per cent. of the total population.

*Including } 3,000 Muhammadan urban electors in the Chota Nagpur and Orissa Divisions.
†Excluding }

Explanatory Notes.

1. In the qualification for rural constituencies the payment of local cess has been adopted in preference to the payment of land revenue, because the larger portion of the province is permanently settled and the land revenue is therefore unequal, whereas the local cess is based on a periodical rental valuation. A local cess payment of Rs 12 connotes an annual rental valuation of Rs. 192. A "tenure" means the interest of a person who has acquired from a proprietor or another tenure-holder a right to hold land for the purpose of collecting rents or bringing it under cultivation by establishing tenants on it.

2. The rental qualification has been varied in some divisions owing to the inequality of the rental incidence, competition rents prevailing in some parts and customary rents in others.

3. Union Committees, which possess the power of imposing a rate for local purposes, have been established in some areas, and it is proposed to extend the system. The rural qualification (*d*) will, therefore, provide the means of extending the vote to traders, whose incomes are below the income-tax level

4. *Mining Constituencies.*—The Indian Mining Association represents the interests of the larger mines which are mainly in European hands ; the Indian Mining Federation represents Indian mine-owners.

APPENDIX VII.

CENTRAL PROVINCES AND BERAR.

STATISTICAL SUMMARY.

	Area in square miles.	Population.
British Territory with Berar*	99,823	13,916,308
Deduct excluded areas :—		
(a) Sironcha Tahsil of the Chanda District	489	32,353
(b) The scheduled districts according to the Scheduled Districts Act of 1874 and 12 other zamindari estates of the Chhattisgarh division.	16,627	1,162,404
(c) The Mandla district except Mandla town, and	5,057	395,855
(d) The Melghat taluq of the Amraoti district	1,609	56,058
Balance	76,041	12,269,638

Male adults of 20 years of age and over	3,757,932†
Do. do. do. literate	356,257
Do. do. do. literate in English	33,113

Hindus—		
Brahmans	426,520	
Non-Brahmans	7,300,628	
Others‡	3,769,338	
		11,496,486
Muhammadans		564,909
Animists		1,744,921
Indian Christians		24,106
Anglo-Indians		3,343
European British subjects		6,957
Others		75,586
Total		13,916,308

Total population of municipalities and cantonments included in—	
(a) urban constituencies	765,197
(b) rural constituencies	94,971
Total population of rural areas	11,409,470

Towns of over 50,000 population—	
Nagpur and Kamptee	118,570
Jubbulpore	100,651

* Berar is not technically British territory, but is represented in the present Council by members nominated after election, and will be similarly represented in the new Council.

† These and the following figures include the population of the excluded areas

‡ *i. e.*, castes which are denied access to a Hindu temple. *Vide* page 74, Part I, C. P. and Berar Census Report 1911. These castes are generally described as "untouchables."

CONSTITUTION OF THE EXISTING LEGISLATIVE COUNCIL.

Ex-officio member		1
Nominated members, of whom not more than 10 may be officials and 3 shall be non-official persons resident in Berar nominated after election by (1) Berar municipalities, (2) Berar district boards and (3) Berar landholders.		17
Elected members for the Central Provinces—		
(1) by municipal committees	3	
(2) by the district councils	2	
(3) by the landholders	2	
		7
Total		25

To which may be added one expert member.

Number of Electors.

For the 4 municipal board seats	643
For the 3 district council seats	433

SCHEME FOR THE CONSTITUTION OF AND ELECTIONS TO THE PROVINCIAL LEGISLATIVE COUNCIL.

A.—FRANCHISE QUALIFICATIONS.

[In cases where property is held or payments made jointly by the members of a joint family or partnership, the family or partnership shall be adopted as a unit for deciding whether the qualification exists; and the vote shall be exercised in the case of a Hindu joint family by the manager thereof and in other cases by the member or partner authorized in that behalf by the family or partnership concerned.]

General disqualifications of Electors.

No person will be qualified to vote at any election, if such person

(*a*) is a female, or
(*b*) is under 21 years of age, or
(*c*) is not a British subject or the subject of any State in India, or
(*d*) has been adjudged by a competent court to be of unsound mind.

Qualifications of Electors.

(*i*) *Urban Areas, i.e., municipalities, cantonments and notified areas.*

Every person will be entered in the electoral roll of the constituency who has a place of residence in the area or within two miles of the boundary thereof, and

(*a*) owns or occupies a house or a building of the annual rental value of not less than Rs. 36, or
(*b*) pays income tax, or
(*c*) is a retired and pensioned officer (commissioned or non-commissioned) of the Indian army, or
(*d*) holds a qualification within the area which would entitle him to be entered in the rural roll if the area were not a municipality, cantonment or notified area.

(*ii*) *Rural Areas.*

Every person will be entered in the electoral roll of the constituency, who has a place of residence in the area, and

(*a*) owns land assessed or assessable at land revenue of not less than Rs. 100 per annum, or

(*b*) holds, whether as owner, tenant, plotholder or raiyat, agricultural land assessed at rent or revenue of not less than the following :—

In the Raipur, Bilaspur, Drug, Chanda and Betul districts	Rs. 30
In the Bhandara, Balaghat, Nimar, Chhindwara, Seoni and Yeotmal districts	Rs. 40
In all other districts	Rs. 50, or

(*c*) pays income tax, or

(*d*) pays a local cess or school rate assessed on an income of not less than Rs. 500 per annum from non-agricultural sources*, or

(*e*) is a lambardar or (in Berar) a watandar patel holding office or a registered deshmukh or deshpandia, or

(*f*) is a retired and pensioned officer (commissioned or non-commissioned) of the Indian army.

In urban and rural constituencies two electoral rolls will be kept, one for Muhammadans and one for non-Muhammadans.

(*iii*) *Landholders' Constituencies.*

There will be three constituencies, as follows :—

1. The Jubbulpore and Nerbudda Divisions.
2. The Nagpur and Chhattisgarh Divisions.
3. Berar.

Every landholder will be entered in the electoral roll of each constituency who has a place of residence in the constituency, and

(*a*) in the Central Provinces holds land in proprietary right which is assessed to land revenue at not less than Rs. 3,000, or

(*b*) in Berar holds land in other than tenancy right which is assessed to land revenue at not less than Rs. 1,000, or

(*c*) holds the title recognized or conferred by Government of Rajah or Nawab, or any higher title,

Provided that no landholder shall have more than one vote in any one constituency though he may have more than one of the qualifications above described.

(*iv*) *University Constituency.*

The representative of the Nagpur University will be elected in accordance with regulations to be approved by the Governor General in Council when the university is constituted. For the present the seat will be in abeyance.

(*v*) *Mining Constituency.*

The representative of this constituency will be elected by the members of the Central Provinces and Berar Mining Association, voting in accordance with regulations to be approved by the Governor in Council. Provision should be made to enable the Governor in Council to revise the method of election for this constituency from time to time in order to meet any alteration in the position or constitution of this association.†

(*vi*) *Commerce and Industry Constituency.*

The representative of this constituency will be elected by persons whose qualifications will be as follows :—

(*a*) being the owner, or a person appointed by the owner for the purpose of voting on his behalf, of a factory situated in the Central Provinces and Berar and subject to the provisions of the Indian Factories Act XII of 1911, no owner being entitled to more than one vote, or

(*b*) being appointed for the purpose of voting by any company having a place of business in the Central Provinces and Berar and a paid up capital of not less than Rs. 25,000 and being a company as defined in section 2 of the Indian Companies Act VII of 1913.

---

*NOTE —This will be inoperative until the passing of the new Local Self-Government Bill.

† The term "member" will include any person entitled to exercise the rights and privileges of membership on behalf and in the name of any firm or joint stock company or corporation registered as a member.

B.—QUALIFICATIONS OF CANDIDATES.

No person will be eligible for election as a member of the Council, if such person

(*a*) is not a British subject or a subject of any State in India, or
(*b*) is an official, or
(*c*) is a female, or
(*d*) has been adjudged by a competent court to be of unsound mind, or
(*e*) is under 25 years of age, or
(*f*) is an uncertificated bankrupt or an undischarged insolvent, or
(*g*) has, in circumstances which, in the opinion of the Governor in Council, involve moral turpitude, been (*i*) dismissed from the service of Government, or (*ii*) sentenced by a criminal court to imprisonment (such sentence not having subsequently been reversed or remitted, or the offender pardoned), or
(*h*) has been dismissed or is under suspension from practising as a legal practitioner by order of any competent court, or
(*i*) is not registered as a voter in the constituency for which he seeks election.

Provided that in cases (*g*) and (*h*) the disqualification may be removed by an order of the Governor in Council in this behalf.

C.—PLURAL VOTING.

At each election to the Council no elector is to vote in more than one of the non-Muhammadan and Muhammadan constituencies, but an elector will be at liberty, in addition to voting in one of these constituencies, to exercise any votes to which he may be entitled for the landholders', university, mining, or commerce and industry seats.

D.—CONSTITUTION OF THE COUNCIL.

The Council will be constituted as follows :—

Non-Muhammadan urban seats	9	
Non-Muhammadan rural seats	31	
		40
Muhammadan urban seat	1	
Muhammadan rural seats	6	
		7
Landholders' seats		3
University seat		1
Mining seat		1
Commerce and industry seat		1
Representatives appointed by nomination		
(1) Mandla district, excluding Mandla town	1	
(2) Excluded zamindaris	1	
(3) Depressed classes	1	
(4) Europeans and Anglo-Indians	1	
(5) Others	1	
		5
Official seats		
Ex-officio		4
Nominated		8
Total		70
To which may be added by the Governor not more than 2 experts, (official or non-official)		2
		72

The ex-officio members will be the Governor, two members of the Executive Council and the Legal Remembrancer.

E.—LIST OF CONSTITUENCIES.

NON-MUHAMMADAN URBAN SEATS.—9.

	Number of seats	Male population in thousands.	Estimated number of electors in thousands.
Jubbulpore	1	43	3
Murwara, Damoh, Saugor, Seoni and Mandla	1	43	3½
Raipur, Dhamtari, Bilaspur and Drug	1	32	3
Hoshangabad, Harda, Seoni-Malwa, Khandwa, Burhanpur, Narsinghpur, Gadarwara, Chhindwara and Betul	1	39	6½
Nagpur and Kamptee	2	53	5½
Umrer, Wardha, Hinganghat, Arvi, Chanda, Warora, Bhandara, Gondia, Balaghat	1	44	5
Amraoti, Ellichpur and Yeotmal	1	28	5
Akola, Akot, Murtizapur, Karanja, Basim, Buldana, Malkapur, Khamgaon and Shegaon	1	42	6
Total	9	324	37½

NON-MUHAMMADAN RURAL SEATS.—31.

Jubbulpore (A) (Jubbulpore and Patan Tahsils)	1	125	3
Jubbulpore (B) (remainder of district)	1	176	3
Damoh District	1	154	3
Saugor ,,	1	243	5½
Seoni ,,	1	179	3
Jubbulpore Division	5	877	17½
Raipur (A) (Raipur and Baloda Bazar Tahsils)	1	241	2½
Raipur (B) (Dhamtari and Mahasamund Tahsils)	1	149	3½
Bilaspur District	1	370	3
Drug ,,	1	276	5
Chhattisgarh Division	4	1,036	14
Hoshangabad District	1	212	7
Nimar ,,	1	167	4
Narsinghpur ,,	1	149	4½
Chhindwara ,,	1	204	3
Betul ,,	1	188	2½
Nerbudda Division	5	920	21
Nagpur A (Nagpur and Ramtek Tahsils)	1	135	3
Nagpur B (remainder of district)	1	193	5
Wardha A (Wardha Tahsil)	1	81	2½
Wardha B (remainder of district)	1	125	2½
Chanda District	1	262	2½
Bhandara ,,	1	369	3½
Balaghat ,,	1	183	3
Nagpur Division	7	1,348	22
Amraoti (A) (Amraoti Taluq)	1	69	2½
Amraoti (B) (Chandur and Morsi Taluqs)	1	172	4½
Amraoti (C) (Ellichpur and Daryapur Taluqs)	1	119	5

	Number of seats.	Male population in thousands.	Estimated number of electors in thousands.
Akola (A) (Akola and Murtizapur Taluqs) .	1	111	4
Akola (B) (Balapur and Akot Taluqs) .	1	108	3½
Akola (C) (Mangrul and Basim Taluqs) .	1	120	3
Buldana (A) (Chikhli, Mehkar and Khamgaon Taluqs)	1	169	4
Buldana (B) (Malkapur and Jalgaon Taluqs)	1	125	3½
Yeotmal (A) (Yeotmal, Kelapur and Wun Taluqs)	1	183	3
Yeotmal (B) (Darwha and Pusad Taluqs) .	1	155	3
Berar .	10	1,331	36
Total .	31	5,512	110½
MUHAMMADAN URBAN SEAT.—1.			
The municipalities of Berar . . .	1	21	2
MUHAMMADAN RURAL SEATS.—6.			
Jubbulpore Division	1	53	2
Chhattisgarh Division	1	19	1
Nerbudda Division	1	49	2½
Nagpur Division	1	47	2
East Berar (Amraoti and Yeotmal Districts excluding municipalities) . . .	1	51	1
West Berar (Akola and Buldana Districts excluding municipalities) . . .	1	51	1
Total .	6	270	9½

Nagpur and Kamptee will be a two-member constituency.

The total number of electors for the above constituencies is estimated roughly as follows :—

Urban	Non-Muhammadan	(9 seats) . . .	37,500
	Muhammadan	(1 „) . . .	2,000
Rural	Non-Muhammadan	(31 „) . . .	110,500
	Muhammadan	(6 „) . . .	9,500
		Total .	159,500

The urban electorate will amount to 11·4 per cent. of the male population in the urban constituencies, the rural electorate to 2 per cent. of the male population in the rural constituencies, and the total electorate to 2·6 per cent. of the total male population or 1·3 per cent. of the total population.

Explanatory Notes.

1. The province of Berar is held by the British Government under a permanent lease from His Exalted Highness the Nizam of Hyderabad and is not technically British territory. The representatives of this province are elected under a system similar to that in force in the Central Provinces, and the members so elected are then nominated by the Chief Commissioner.

2. The "lambardar" in the Central Provinces and "watandar patel" in Berar are hereditary village headmen, appointed by Government subject to certain rules The "deshmukh" and deshpandia" of Berar are hereditary headmen of the pargana or unit of administration under Maratha rule.

3. The qualifications for the landholders' constituencies are those at present in force, the distinction in the prescribed amount of land revenue in the Central Provinces and in Berar being due to the fact that in the former the land is settled with village proprietors and in the latter with cultivators holding direct from Government under a raiyatwari system.

APPENDIX VIII.

PROVINCE OF ASSAM.

STATISTICAL SUMMARY.

	Area in square miles.	Population.
British territory	53,015	6,713,635

Deduct excluded areas—

The Garo Hills.
The Khasi and Jaintia Hills (except Shillong Municipality).
The Mikir Hills.
The North Cachar Hills.
The Naga Hills (with outlying tracts).
The North-East Frontier Tract.
The Lushai Hills.

The area and population of the excluded areas cannot be obtained with accuracy, but the area of British territory dealt with under the scheme is approximately 27,500 square miles, and the total population approximately 6,000,000.

Male adults of 20 years of age and over	1,868,933*
Do. do. do. literate . . .	225,584
Do. do. do. literate in English .	25,126

Hindus—		
Brahmans	118,005	
Non-Brahmans	3,226,862	
Others†	292,533	
		3,637,400
Muhammadans		1,886,528
Animists		1,109,187
Indian Christians		63,763
Anglo-Indians		437
European British subjects		2,153
Others		14,167
Total .		6,713,635

Total population of—	
(*a*) Shillong municipality	13,639
(*b*) other municipalities	88,816
Total population of rural areas . . . . (approximate)	5,897,600

Towns of over 50,000 population—

Nil.

* These and the following figures include the population of the excluded areas.

† *i.e.*, castes which cause pollution by touch and which bury their dead. *Vide* page 41 of Part I of the Assam Census Report, 1911. These castes are generally described as "untouchables."

CONSTITUTION OF EXISTING LEGISLATIVE COUNCIL.

Ex-officio (the Chief Commissioner)		1
Nominated members, of whom not more than 9 may be officials		13
Elected members		
(1) by municipalities	2	
(2) by local boards	2	
(3) by landholders	2	
(4) by Muhammadans	2	
(5) by the tea-planting community	3	11
Total		25

To which may be added one expert member.

Number of Electors.

Municipal commissioners	119
Local board members	217
Landholders	193
Muhammadans	1,188

SCHEME FOR THE CONSTITUTION OF AND ELECTIONS TO THE PROVINCIAL LEGISLATIVE COUNCIL.

A.—FRANCHISE QUALIFICATIONS.

[In cases where property is held or payments made jointly by the members of a joint family or partnership, the family or partnership shall be adopted as the unit for deciding whether the qualification exists ; and the vote shall be exercised in the case of a Hindu joint family by the manager thereof and in other cases by the member or partner authorised in that behalf by the famly or partnership.]

General disqualifications of Electors.

No person will be qualified to vote at any election, if such person

(*a*) is a female, or

(*b*) is under 21 years of age, or

(*c*) is not a British subject or the subject of any State in India, or

(*d*) has been adjudged by a competent court to be of unsound mind.

Qualifications of Electors.

(*i*) *Urban Areas, i.e., municipalities and cantonments.*

Every person will be entered in the electoral roll of the constituency who has a place of residence in the area or within two miles of the boundary thereof, and

(*a*) pays in respect of municipal or cantonment rates an aggregate amount of not less than Rs. 3, or in the case of the Nowgong municipality of not less than Rs. 2, or in the case of the Sylhet municipality not less than Rs. 1-8, or

(*b*) pays income tax, or

(*c*) is a retired and pensioned officer (commissioned or non-commissioned) of the Indian army, or

(*d*) holds a qualification within the area which would entitle him to be entered in the rural roll if the area were not a municipality or cantonment.

(*ii*) *Rural Areas.*

Every person will be entered in the electoral roll of the constituency who has a place of residence in the area, and

(*a*) in the districts of Sylhet, Cachar and Goalpara pays as chaukidari tax under Bengal Act VI of 1870 not less than Re. 1 per annum, or

(*b*) in the remainder of the province owns land assessed or assessable at a land revenue of not less than Rs. 15 or pays a local rate of not less than Re. 1, or

(*c*) pays income tax, or

(*d*) is a retired and pensioned officer (commissioned or non-commissioned) of the Indian army.

In the urban constituency of Shillong one electoral roll will be kept for all electors. In rural constituencies two electoral rolls will be kept, one for Muhammadans and one for non-Muhammadans.

(*iii*) *Landholders' Constituencies.*

There will be two constituencies, one for the Assam Valley division and one for the Surma Valley division. Every landholder will be entered in the landholders' electoral roll of each constituency who has a place of residence in the constituency, and

(*a*) holds in his own right as proprietor one or more estates or shares of estates, and pays in respect thereof land revenue of not less than Rs. 500 or local rates of not less than Rs. 125 per annum, or

(*b*) holds the title recognized or conferred by Government of Raja or Nawab or any higher title.

Provided that no landholder shall have more than one vote in either constituency though he may possess more than one of the qualifications above described.

(*iv*) *Planting Constituencies.*

Three representatives will be elected by the members of the Assam Valley branch of the Indian Tea Association.

Two representatives will be elected by the members of the Surma Valley branch of the Indian Tea Association.

The election in each case will be conducted in accordance with regulations to be approved by the Governor in Council. Provision should be made to enable the Governor in Council to revise the method of election for these constituencies from time to time in order to meet any alteration in the position or constitution of this association.*

(*v*) *Commerce and Industry Constituency.*

The representative of this constituency will be elected by persons whose qualifications will be as follows :—

(*a*) being the owner, or a person appointed by the owner for the purpose of voting on his behalf, of a factory, other than a tea factory, situated in Assam and subject to the provisions of the Indian Factories Act XII of 1911, no owner being entitled to more than one vote, or

(*b*) being appointed for the purpose of voting by any company having a place of business in Assam and a paid up capital of not less than Rs. 25,000 and being a company as defined in sections 2 of the Indian Companies Act VII of 1913.

---

* The term " member " will include any person entitled to exercise the rights and privileges of membership on behalf and in the name of any firm or joint stock company or corporation registered as a member.

B.—QUALIFICATIONS OF CANDIDATES.

No person will be eligible for election as a member of the Council, if such person

(*a*) is not a British subject or a subject of any State in India, or
(*b*) is an official, or
(*c*) is a female, or
(*d*) has been adjudged by a competent court to be of unsound mind, or
(*e*) is under 25 years of age, or
(*f*) is an uncertificated bankrupt or an undischarged insolvent, or
(*g*) has, in circumstances which, in the opinion of the Governor in Council, involve moral turpitude, been (*i*) dismissed from the service of Government, or (*ii*) sentenced by a criminal court to imprisonment (such sentence not having subsequently been reversed or remitted, or the offender pardoned), or
(*h*) has been dismissed or is under suspension from practising as a legal practitioner by order of any competent court:

Provided that in cases (*g*) and (*h*) the disqualification may be removed by an order of the Governor in Council in this behalf.

No person shall be eligible for election as a member of the Council to represent

(1) an urban or rural constituency unless such person is registered as an elector in an urban or rural constituency within the province, or
(2) a landholders', planting or commerce and industry constituency, unless such person is registered as an elector in the constituency for which he seeks election.

C.—PLURAL VOTING.

At each election to the Council no elector is to vote in more than one of the non-Muhammadan and Muhammadan constituencies, but an elector will be at liberty, in addition to voting in one of these constituencies, to exercise any votes to which he may be entitled for landholders', planting or commerce and industry seats.

D.—CONSTITUTION OF THE COUNCIL.

The Council will be constituted as follows :—

Urban seat		1
Non-Muhammadan rural seats		18
Muhammadan rural seats		12
Landholders' seats		2
Planting seats		5
Commerce and industry seat		1
Representatives appointed by nomination		
(1) European and Anglo-Indian	1	
(2) Indian Christian	1	
(3) Labour	1	
(4) Excluded tracts	1	
(5) Others	1	
		5
Official seats		
Ex-officio	4	
Nominated	5	
		9
Total		53
To which may be added by the Governor one expert (official or non-official)		1
		54

The ex-officio members will be the Governor, two members of the Executive Council, and the Legal Remembrancer.

E.—LIST OF CONSTITUENCIES.

	Number of seats		Male population in thousands.	
URBAN SEAT—1.				
Shillong Municipality . . .	1		7	
NON-MUHAMMADAN RURAL SEATS—18.				
Cachar District	1		164	
Sylhet District	6		569	
Surma Valley .		7		733
Goalpara District	2		207	
Kamrup „	2		306	
Darrang „	1		188	
Nowgong „	1		147	
Sibsagar „	3		348	
Lakhimpur „	2		241	
Assam Valley .		11		1,437
Total .		18		2,170
MUHAMMADAN RURAL SEATS—9.				
Cachar District	1		82	
Sylhet District	7		699	
Surma Valley .		8		781
Goalpara District	2		112	
Kamrup „ . Darrang „ . Nowgong „ . Sibsagar „ . Lakhimpur „	2		77	
Assam Valley .		4		189
Total .		12		970

Where more seats than one are assigned to a district, the district will, so far as circumstances permit, be divided into the necessary number of single member constituencies by the Governor in Council.

The total number of electors for the above constituencies is estimated roughly as follows :—

Non-Muhammadan (19 seats) . . .	203,000
Muhammadan (9 „) . . .	97,000
Total .	300,000

The electorate will amount to approximately 5. per cent. of the total population.

Explanatory Notes.

1. The variations in the amount of municipal tax in the qualification proposed for urban areas follow the existing municipal franchise.

2. The variations in the qualification for rural areas are explained by the fact that the districts of Sylhet, Cachar and Goalpara are permanently settled, and the remaining districts temporarily settled. The assessment of chaukidari tax varies from village to village, but a payment of Re. 1 indicates that the payee is a person of ordinary status, with an annual income of roughly about Rs. 200.

3. The Assam Valley and Surma Valley branches of the Indian Tea Association represent the important interests of the tea planters, mainly European, of the respective valleys.

4. The principal large industries of Assam, other than tea, are mines, collieries, saw-mills, oil mills, etc.

APPENDIX IX.

INDIAN LEGISLATIVE ASSEMBLY.

CONSTITUTION OF THE EXISTING IMPERIAL LEGISLATIVE COUNCIL.

Ex-officio members	7
Head of the province in which the Imperial Council assembles	1
Nominated members, of whom not more than 28 may be officials and three shall be non-official persons to represent (*a*) the Indian commercial community, (*b*) the Muhammadan community in the Punjab and (*c*) the landholders in the Punjab	33
Elected members	27
Total	68
or, including the Governor General,	69

Details of constituencies and number of electors.

	No. of seats	No. of electors.
(*i*) Non-official Additional Members of the Council of the Governor of Fort St. George	2	26
(*ii*) Non-official Additional Members of the Council of the Governor of Bombay	2	35
(*iii*) Non-official Additional Members of the Council of the Governor of Fort William in Bengal	2	34
(*iv*) Non-official Members of the Council of the Lieutenant-Governor of the United Provinces of Agra and Oudh	2	29
(*v*) Non-official Members of the Council of the Lieutenant-Governor of the Punjab	1	15
(*vi*) Non-official Members of the Council of the Lieutenant-Governor of Burma	1	9
(*vii*) Non-official Additional Members of the Council of the Lieutenant-Governor of Bihar and Orissa	1	25
(*viii*) Non-official Members of the Council of the Chief Commissioner of Assam	1	15
(*ix*) Non-official Members of the Council of the Chief Commissioner of the Central Provinces	1	14
(*x*) Landholders in the Presidency of Fort St. George	1	126
(*xi*) Landholders in the Presidency of Bombay	1	1,219
(*xii*) Landholders in the Presidency of Bengal	1	366
(*xiii*) Landholders in the United Provinces of Agra and Oudh	1	546

	No. of seats.	No. of electors.
(*xiv*) Landholders in Bihar and Orissa	1	109
(*xv*) Landholders in the Central Provinces . . .	1	40
(*xvi*) Muhammadan community in the Presidency of Fort St. George	1	544
(*xvii*) Muhammadan community in the Presidency of Bombay	1	8
(*xviii*) Muhammadan community in the Presidency of Bengal	1	393
(*xix*) Muhammadan community in the United Provinces of Agra and Oudh	1	650
(*xx*) Muhammadan community in Bihar and Orissa .	1	306
(*xxi*) Bengal Chamber of Commerce	1	190
(*xxii*) Bombay Chamber of Commerce	1	119

In addition, the Muhammadan members of the class specified in subhead (*xiii*) elect one member alternately with the class specified in subhead (*xviii*).

SCHEME FOR THE CONSTITUTION OF AND ELECTIONS TO THE INDIAN LEGISLATIVE ASSEMBLY.

A.—CONSTITUTION OF THE ASSEMBLY.

The Assembly will be constituted as follows :—

Elected members		80
Representatives appointed by nomination . .		14
Officials		
Ex-officio	7	
Nominated	19	
		26
		120
or, including the Governor General, . . .		121

DETAILS OF ELECTED SEATS.

PROVINCE.	Non-Muhammadan seats.	Muhammadan seats.	Sikh seat.	LANDHOLDERS. Non-Muhammadan.	LANDHOLDERS. Muhammadan.	LANDHOLDERS. Sikh	European commerce.	Indian commerce.	TOTAL.
Madras . . .	7	2	...	1	...	...	1	1	12
Bombay . . .	4	3	...	1	1	...	1	2	12
Bengal . . .	5	3	..	1	1	...	2	1	13
United Provinces .	6	3	...	1	1	..	1	...	12
Punjab . . .	2	4	1	...	1	1	...	...	9
Bihar and Orissa .	6	2	...	1	...	...	...	...	9
Central Provinces .	4	1	...	...	...	...	...	...	5
Assam . . .	1	1	...	...	...	...	1	...	3
Delhi . . .	1	...	...	...	...	...	...	...	1
TOTAL .	36	19	1	5	4	1	6	4	76
				10					

Reserved for Burma .	4
TOTAL .	80

B.—METHOD OF REPRESENTATION.

(i) *General Constituencies—36.*

Madras	7
Bombay	4
Bengal	5
United Provinces	6
Punjab	2
Bihar and Orissa	6
Central Provinces	4
Assam	1
Delhi	1
Total	36

With the exception of the member for Delhi Province, these representatives will be elected by the non-official members, other than Muhammadans and (in the case of the Punjab) Sikhs, of the respective provincial legislative councils. One representative will be elected for Delhi Province by persons who have a place of residence in the province and possess qualifications corresponding to those prescribed in urban or rural areas for electors to the provincial legislative council of the Punjab.

(ii) *Muhammadan Constituencies (general)—19*

Madras	2
Bombay	3
Bengal	3
United Provinces	3
Punjab	4
Bihar and Orissa	2
Central Provinces	1
Assam	1
Total	19

These representatives will be elected by the Muhammadan non-official members of the respective provincial legislative councils.

(iii) *Sikh Constituency—1 seat.*

The member will be elected by the Sikh non-official members of the Punjab provincial legislative council.

(iv) *Landholders' Constituencies—10 seats.*

(*a*) *Bengal—2 seats.*—One representative will be elected by the non-Muhammadan landholders of the presidency entered on the electoral roll of the landholders' constituency for the provincial legislative council, and voting in accordance with regulations to be approved by the Governor General in Council.

One representative will be elected by the Muhammadan land-holders of the presidency entered in the electoral roll of the landholders' constituency for the provincial legislative council, and voting in accordance with regulations to be approved by the Governor General in Council.

(*b*) *Madras—1 seat.*—The representative will be elected by the zamindars and landholders of the presidency entered in the electoral roll for the zemindars' and landholders' constituencies of the provincial legislative council, and voting in accordance with regulations to be approved by the Governor General in Council.

(*c*) *Bombay—2 seats.*—One representative will be elected by the Muhammadan zamindars and jagirdars of Sind entered in the electoral roll of the zamindars' and jagirdars' constituency in the provincial legislative council, and voting in accordance with regulations to be approved by the Governor General in Council.

One representative will be elected by the sardars of the Deccan and Gujarat entered in the electoral rolls of the constituencies of the sardars of the Deccan and Gujarat in the provincial legislative council, and voting in accordance with regulations to be approved by the Governor General in Council.

(*d*) *United Provinces—2 seats.*—One representative will be elected by the non-Muhammadan taluqdars of Oudh and landholders of Agra entered in the electoral roll of the constituencies of the taluqdars of Oudh and landholders of Agra in the provincial legislative council, and voting in accordance with regulations to be approved by the Governor General in Council.

One representative will be elected by the Muhammadan taluqdars of Oudh and landholders of Agra entered in the electoral roll of the constituencies of the taluqdars of Oudh and landholders of Agra in the provincial legislative council, and voting in accordance with regulations to be approved by the Governor General in Council.

(*e*) *Punjab—2 seats.*—One representative will be elected by the Muhammadan landholders of the Punjab entered in the electoral roll of the landholders' constituency in the provincial legislative council, and voting in accordance with regulations to be approved by the Governor General in Council.

One representative will be elected by the Sikh landholders of the Punjab entered in the electoral roll of the landholders' constituency in the provincial legislative council, and voting in accordance with regulations to be approved by the Governor General in Council.

(*f*) *Bihar and Orissa—1 seat.*—The representative will be elected by the landholders of Bihar and Orissa entered in the electoral roll of the landholders' constituency in the provincial legislative council, and voting in accordance with regulations to be approved by the Governor General in Council.

(*v*) *European Commerce Constituencies—6 seats.*

(*a*) *Madras—1 seat.*—The representative will be elected by the members of the Madras Chamber of Commerce voting in accordance with regulations to be approved by the Governor General in Council.

(*b*) *Bombay—1 seat.*—The representative will be elected by the members of the Bombay Chamber of Commerce voting in accordance with regulations to be approved by the Governor General in Council.

(*c*) *Bengal—2 seats.*—Two representatives will be elected by the members of the Bengal Chamber of Commerce voting in accordance with regulations to be approved by the Governor General in Council.

(*d*) *United Provinces—1 seat.*—The representative will be elected by the members of the Upper India Chamber of Commerce voting in accordance with regulations to be approved by the Governor General in Council.

(*e*) *Assam—1 seat.*—The representative will be elected by the members of the Assam Valley and Surma Valley branches of the Indian Tea Association voting in accordance with regulations to be approved by the Governor General in Council.*

(*vi*) *Indian Commerce Constituencies—4 seats.*

(*a*) *Madras—1 seat.*—The representative will be elected by the members of the Southern Indian Chamber of Commerce voting in accordance with regulations to be approved by the Governor General in Council.

(*b*) *Bombay—2 seats.*—One representative will be elected by the members of the Bombay Millowners' Association and the Ahmedabad Millowners' Association voting in accordance with regulations to be approved by the Governor General in Council.

One representative will be elected by the members of the Indian Merchants' Chamber and Bureau voting in accordance with regulations to be approved by the Governor General in Council.

(*c*) One member will be elected by the Bengal National Chamber of Commerce, the Marwari Association and the Mahajana Sabha voting in accordance with regulations to be approved by the Governor General in Council.*

* The term member will include any person entitled to exercise the rights and privileges of membership on behalf and in the name of any firm or joint stock company or corporation registered as a member.

C.—QUALIFICATION OF CANDIDATES.

In the case of a seat for which election is made by members of a provincial legislative council, the candidate, if not already a member of that council, shall have the qualifications which would entitle him to stand as a candidate for election to that council. Provided that in any case in which registration as an elector in a constituency is laid down as a qualification for candidature, the candidate will be held to comply with the condition if he is registered as an elector in any constituency in the province.

D.—METHOD OF VOTING.

In cases where election is made by the non-official members of the provincial legislative councils, every member entitled to vote will have as many votes as the number of seats to be filled up, and may record all his votes in favour of one candidate or distribute them as he pleases.

APPENDIX X.

COUNCIL OF STATE.

A.—PROPOSALS EMBODIED IN THE JOINT REPORT.

Officials		
Ex-officio	7	
Nominated	18	
		25
Nominated non-officials		4
Elected members		
(1) by the non-official members of Provincial Legislative Councils.	15	
(2) by Muhammadans	2	
(3) by landholders	2	
(4) by Chambers of Commerce	2	
		21
Total		50
Or, including the Governor General		51

B.—PROPOSED CONSTITUTION OF COUNCIL OF STATE.

Province.	Total population (millions).	Muhammadan population (millions).	Sikh population (millions).	Distribution proposed. General.	Muhammadans.	Sikhs.	Landholders.	Total.
Madras	40	3	...	2	1	...	...	3
Bombay	19½	4	...	2	1	...	...	3
Bengal	45	24	...	2	1	..	½	3½
United Provinces	47	6½	...	1	1	...	1	3
Punjab	19½	11	2	1	1	1	...	3
Bihar and Orissa	32½	3½	...	1	1	..	½	2½
Central Provinces	12½	½	...	1	½	...	...	1½
Assam	6½	2	...	1	½	...	...	1½
Total	...	...	...	11	7	1	2	21

Representatives of European Chambers of Commerce	2
Reserved for Burma	1
Total	24

Summary of proposed Council.

Elected members		
General	11	
Muhammadan	7	
Sikh	1	
Landholders	2	
European commerce	2	
		23
Reserved for Burma		1
Representatives appointed by nomination		4
Officials		
Ex-officio	7	
Nominated	21	
		28
Total		56
Or, including the Governor General		57

C.—METHODS OF REPRESENTATION.

(*i*) *General Constituencies*—11.

Madras	2
Bombay	2
Bengal	2
United Provinces	1
Punjab	1
Bihar and Orissa	1
Central Provinces	1
Assam	1

These representatives will be elected by the non-official members, other than Muhammadans and (in the case of the Punjab) Sikhs, of the respective provincial legislative councils.

Number of electors.

Madras	80
Bombay	60
Bengal	66
United Provinces	68
Punjab	22
Bihar and Orissa	56
Central Provinces	46
Assam	27

To which will be added the non-official members other than Muhammadans, and (in the case of the Punjab) Sikhs, appointed by nomination.

In Madras, Bombay and Bengal every member qualified to vote will have two votes and may record both his votes in favour of one candidate.

(*ii*) *Muhammadan Constituencies—7.*

Madras	1
Bombay	1
Bengal	1
United Provinces	1
Punjab	1
Bihar and Orissa	1
Central Provinces / Assam } alternately	1

These representatives will be elected by the Muhammadan non-official members of the respective provincial legislative councils.

NUMBER OF ELECTORS.

Madras	13
Bombay	27
Bengal	34
United Provinces	27
Punjab	30
Bihar and Orissa	17
Central Provinces	7
Assam	12

To which will be added Muhammadan non-official members, if any, appointed by nomination.

(*iii*) *Sikh Constituency—1.*

Punjab	1

The representative will be elected by the nine Sikh non-official members of the Punjab legislative council.

(*iv*) *Landholders' Constituencies—2.*

Bengal and Bihar and Orissa	1
United Provinces	1

One representative will be elected by the members representing landholders' constituencies in the Bengal and Bihar and Orissa legislative councils, voting jointly.

NUMBER OF ELECTORS.

Bengal	5
Bihar and Orissa	5
Total	10

One representative will be elected by the members representing the taluqdars of Oudh and Agra landholders' constituencies in the United Provinces legislative council, voting jointly.

NUMBER OF ELECTORS.

Taluqdars of Oudh	5
Agra landholders	1
Total	6

(v) *European Commerce Constituencies—2.*

One representative will be elected by the members of the Bengal, Burma and Upper India Chambers of Commerce, voting jointly in accordance with regulations to be approved by the Governor General in Council.

One representative will be elected by the members of the Bombay, Karachi and Madras Chambers of Commerce, voting jointly in accordance with regulations to be approved by the Governor General in Council.*

D.—QUALIFICATIONS OF CANDIDATES.

In the case of a seat for which election is made by members of a provincial legislative council, the candidate, if not already a member of the Indian Legislative Assembly or of a provincial legislative council, shall have the qualifications which would entitle him to stand as a candidate for election to some provincial legislative council in India.

---

* The term "member" will include any person entitled to exercise the rights and privileges of membership on behalf and in the name of any firm or joint stock company or corporation registered as a member

APPENDIX XI.

SUGGESTIONS FOR THE DEFINITION OF THE TERMS "EUROPEAN" AND "ANGLO-INDIAN."

1. "EUROPEAN."

Every person of European descent in the male line, being a British subject and resident in British India, who either was born in or has a domicile in the British Isles, Canada, Newfoundland, Australia, New Zealand or the Union of South Africa, or whose father was so born or has or had, up to the date of the birth of the person seeking registration as an elector, such a domicile.

2. "ANGLO-INDIAN."

Every person, being a British subject and resident in British India, of (*a*) European descent in the male line who is not comprised in the above definition, or (*b*) mixed Asiatic and non-Asiatic descent, whose father, grandfather or more remote ancestor in the male line was born in the continent of Europe, Canada, Newfoundland, Australia, New Zealand, the Union of South Africa or the United States of America, and who is not entered in the European electoral roll.

NOTE.—In applying the above definitions it is proposed that the declaration of an elector that he is a European or Anglo-Indian shall be accepted by the officer charged with the preparation of the electoral roll, unless he is satisfied that the declaration is not made in good faith, in which case the officer shall record in writing his reasons for refusing to accept the declaration of the elector.

The proposal to enfranchise persons domiciled elsewhere than in the United Kingdom will be subject to any action which may be taken in view of the reciprocity resolution passed at the Imperial Conference held in 1917.

APPENDIX XII.

NAMES OF ADDED MEMBERS.

GOVERNMENT OF INDIA.

1. The Hon'ble Mr. A. P. MUDDIMAN, C.I.E., I.C.S., Secretary to the Government of India in the Legislative Department.

2. The Hon'ble Khan Bahadur MIAN MUHAMMAD SHAFI, C.I.E., Member of the Imperial Legislative Council.

MADRAS.

1. M. R. Ry. Diwan Bahadur L. D. SWAMIKANNU PILLAI AVARGAL, I.S.O., Collector of Nellore.

2. The Hon'ble Diwan Bahadur A. SUBBARAYULU REDDIAR AVARGAL, Member of the Provincial Legislative Council.

BOMBAY.

1. L. C. CRUMP, Esq., I.C.S.

2. K. NATARAJAN, Esq

BENGAL.

1. The Hon'ble Mr. C. J. STEVENSON MOORE, C.V.O., I.C.S., Member of the Board of Revenue.

2. The Hon'ble Dr. ABDULLA-AL-MAMUN SUHRAWARDY, Member of the Local Legislative Council.

THE UNITED PROVINCES.

1. The Hon'ble Mr. H. M. R. HOPKINS, I.C.S., Commissioner of the Meerut Division.

2. The Hon'ble MR. C. Y. CHINTAMANI, Member of the Provincial Legislative Council.

THE PUNJAB.

1. The Hon'ble Mr. P. J. FAGAN, C.S.I., I.C.S., Financial Commissioner.

2. The Hon'ble Sardar Bahadur SARDAR SUNDER SINGH MAJITHIA, Member of the Imperial Legislative Council.

BIHAR AND ORISSA.

1. The Hon'ble Mr. H. MCPHERSON, C.S.I., I.C.S., Chief Secretary.

2. The Hon'ble Rai Bahadur KRISHNA SAHAI, Member of the Imperial Legislative Council.

THE CENTRAL PROVINCES AND BERAR.

1. C. U. WILLS, Esq., I.C.S.

2. SITACHARAN DUBE, Esq., Chairman of the District Council, Hoshangabad.

ASSAM.

1. The Hon'ble Colonel P. R. T. GURDON, C.S.I., Commissioner of the Assam Valley Districts.

2. The Hon'ble Khan Bahadur Maulvi SAIYID ABDUL MAJID, Member of the Provincial Legislative Council.

APPENDIX XIII.

LIST OF WITNESSES EXAMINED BEFORE THE COMMITTEE.

[*The names of the witnesses are arranged in the order in which they were examined by the Committee.*]

BIHAR AND ORISSA.

Mr. J. A. HUBBACK, I.C.S., officer on special duty, representing the Government of Bihar and Orissa.

Pandit LAKSHMI MISRA

Khan Bahadur ASHFAQ HUSSAIN.

Mr. SACHCHIDANANDA SINHA, } representing the Bihar Provincial Association.
Babu RAJENDRA PRASAD, }

Babu RAM LAL SINHA, representing the Bengalee Settlers' Association.

Babu GANESH DATTA SINGH, } representing the Bihar Landholders' Association.
Babu RAM GOPAL SINGH CHAUDHRI, }

The Hon'ble Mr. R. M. WATSON SMYTH, representing the Indian Mining Association.

The Hon'ble Mr. S. K. SAHAY.

Babu ARIKSHAN SINHA, } representing the North Bihar Agriculturists' Association.
Babu MADHU LAL, }

The Hon'ble and Rev. Dr. CAMPBELL

The Hon'ble Mr. MAZHUR-UL-HAQ.

The Hon'ble Rai Bahadur PURNENDU NARAYAN SINHA.

Babu SURESH CHANDRA CHAKRAVARTI, representing the Orissa Association.

The Hon'ble SAIYED NURUL HASAN.

Mr. P. KENNEDY.

The Hon'ble Khan Bahadur KHWAJA MUHAMMAD NUR.

Mr. YUNUS, } representing the Bihar Provincial Moslem League.
The Hon'ble Khan Bahadur SARFARAZ HUSAIN KHAN, }

The Hon'ble Babu GOPABANDHU DAS.

Mr. J. N. GHOSH, representing the Indian Mining Federation.

The Hon'ble Rai Bahadur DWARKA NATH.

Babu SASHI BHUSHAN NATH, representing the Utkal Union Conference.

The Hon'ble Maharaja RAVANESWAR PRASAD SINGH BAHADUR of Gidhaur.

The Hon'ble Babu ADIT PRASAD SINGH.

Rai Sahib JANAKDHARI LAL.

The Hon'ble Mr. JAMESON, representing the Bihar Planters' Association.

The Hon'ble Mr. C. E. A. W. OLDHAM, C.S.I., I.C.S.

Mr. J. JOHNSTON, I.C.S.

THE UNITED PROVINCES.

The Hon'ble Mr. A. C. CHATARJI, Revenue Secretary to the Government of the United Provinces.

The Hon'ble Mr. S. P. O'DONNELL, Chief Secretary to the Government of the United Provinces.

The Hon'ble Mr. G. G. SIM, Financial Secretary to the Government of the United Provinces.

Mr. VIKRAMAJIT SINGH, representing the United Provinces Chamber of Commerce.

THE UNITED PROVINCES—*contd.*

Sheikh HABIBULLAH, } representing the British Indian Association
Thakur JAGANNATH BAKHSH SINGH, }

The Hon'ble Nawab ABDUL MAJID, } representing the Agra Province Zamindars' Association.
Raja RAGHU PRASAD NARAYAN SINGH, }

The Hon'ble Pandit MADAN MOHAN MALAVIYA, } representing the United Provinces Provincial Congress Committee.
The Hon'ble Pandit MOTI LAL NEHRU, }

Mr. IBNI AHMED, } representing the United Provinces Muslim Defence Association.
SAIYID AGHA HAIDAR, }

Mr. C. T. ROBBIE, representing the Anglo-Indian Federation.

The Hon'ble Raja Sir RAMPAL SINGH, K.C.I.E., representing the Taluqdars of Oudh.

Pandit JAGAT NARAYAN.

Munshi NARAYAN PRASAD ASTHANA.

The Hon'ble Mr. T. SMITH, } representing the Upper India Chamber of Commerce.
Mr. J. G. RYAN, }

Mr. A. P. SEN.

Rai ANAND SWARUP Bahadur.

RAI KRISHNAJI.

Pandit GOVIND BALLABH PANT.

The Hon'ble SAIYID WAZIR HASAN, } representing the United Provinces Provincial Moslem League.
The Hon'ble SAIYID RAZA ALI, }

THE PUNJAB.

The Hon'ble Mr. H. D. CRAIK, I.C.S., Officiating Additional Secretary to the Government of the Punjab.

The Rev. Mr. O. YOUNGHUSBAND, representing the Punjab Provincial Branch of the Anglo-Indian Empire League.

Mr. L. A. BULL.

The Hon'ble Mr. H. J. MAYNARD, C.S.I., I.C.S.

Mian HAQ NAWAZ, representing the Punjab Provincial Muslim Association and the All-India Muslim Association.

Saiyid MOHSIN SHAH, representing the Punjab Provincial Muslim League.

Mirza BASHIR AHMAD, representing the Ahmadiyya Community.

Chaudhuri ZAFARULLAH KHAN, representing the Ahmadiyya Community.

Sardar KHARAK SINGH, representing the Punjab Zemindars' Central Association.

Mr. SEWARAM SINGH, representing the Chief Khalsa Diwan.

Mr. DUNI CHAND, representing the Provincial Congress Committee.

Raja NARENDRA NATH, representing the Punjab Hindu Sabha.

The Hon'ble Rao Bahadur Chaudhuri LAL CHAND.

The Hon'ble Sardar Bahadur GAJJAN SINGH.

The Hon'ble Sir Malik UMAR HAYAT KHAN, Tiwana, K.C.I.E., M.V.O., representing the Punjab Muslim Association.

Mr. BARKAT ALI, representing the Provincial Congress Committee and the Provincial Conference Committee.

Lala GULSHAN RAI.

Mrs. S. D. CHAUDHURI, } representing the All-India Women's Association.
Mrs. H. ROSHAN LAL, }

THE CENTRAL PROVINCES.

The Hon'ble Mr. F. S. A SLOCOCK, C.I.E., I.C.S., Chief Secretary to the Chief Commissioner.

Khan Sahib Maulvi ABDUL KADIR, representing the Muhammadan community in Berar.

Mr. GANESH AKAJI GAVAI, representing the Depressed India Association.

Mr. K. S. JATAR, I.C.S., Inspector-General of Registration.

Rao Bahadur R. N. MUDHOLKAR, C.I.E.

The Hon'ble Rao Bahadur N. K. KELKAR.

Rai Bahadur D. N. CHAUDHURI.

Mr. RAGHUBIR PRASAD.

Mr. J. B. DESHMUKH.

Mr. MADHAORAO SHRIHARI ANEY, representing the Berar Provincial Congress Committee.

The Hon'ble Rao Bahadur M. G. DISHPANDE.

Mr. H. D. COGGAN, representing the Central Provinces and Berar Mining Association.

Mr. B. S NIYOGI, representing the Central Provinces Congress Committee.

Mr. C. B. PARAKH, representing the Graduates Association of the Central Provinces and Berar.

ASSAM.

The Hon'ble Mr. J E. WEBSTER, C.I.E., I.C.S., Chief Secretary to the Chief Commissioner.

Mr. J. McSWINEY, I C S, Director of Land Records and Agriculture.

Babu KSHITISH CHANDRA DAS, representing the People's Association of Sylhet.

Maulvi ABDUR RAHIM CHAUDHURI, representing the Surma Valley Muhammadan Zamindars' Association, Sylhet.

The Hon'ble Mr. H. MILLER, C.I.E., representing the Assam Valley Branch of the Indian Tea Association.

Mr. A D. PICKFORD, representing the Indian Tea Association.

The Hon'ble COLONEL W. MASON, representing the Surma Valley Branch of the Indian Tea Association.

Babu PYARI MOHAN DAS, representing the Mahishya Samitee, Sunamganj.

Rai Sahib PADMANATH GOHAIN BARUA, representing the Ahom Association.

Raja PRABHAT CHANDRA BARUA of Gauripur, representing the zamindars of Gauripur.

SRIJUT NABIN CHANDRA BARDALOI, representing the Assam Association.

Maulvi DERAJ-UD-DIN AHMED, representing the Anjumani-Taidi Islam.

BENGAL.

The Hon'ble Mr. J. H. KERR, Chief Secretary to the Government of Bengal.

The Hon'ble Mr. W. E. CRUM, representing the Bengal Chamber of Commerce.

Mr. W. L. TRAVERS, representing the Dooars Planters' Association.

Mr. A. D. PICKFORD, representing the Indian Tea Association.

The Hon'ble Raja HRISHIKESH LAHA, C.I.E.

The Hon'ble Babu SURENDRA NATH ROY.

Babu DWARKANATH CHAKRAVARTI, representing the Bengal Landholders' Association.

Dr. PRAMATHA NATH BANERJEE, representing the Indian Association.

Khan Bahadur Maulvi ABDUS SALAM, representing the Central National Muhammadan Association.

Mr. C. H. C. ARIFF, representing the Indian Muslim Association.

Raja KISHORI LAL GOSWAMI, representing the British Indian Association.

Babu DEBI PRASAD KHAITAN, representing the Marwari Association.

Babu AMULYADHAN ADDY, representing the Bengal National Chamber of Commerce.

Mrs. SAROJINI NAIDU, representing the All-India Women's deputation.

Mr. TARIT BHUSHAN ROY, representing the Bengal Mahajan Sabha.

Mr. B. K. LAHIRI, representing the Bengal Provincial Congress Committee.

Mr. C. C. GHOSH, representing the National Liberal League.

BENGAL—*contd.*

The Hon'ble Mr. A. K. FAZL-UL-HAQ.

Maulvi MUHAMMAD ALIM-UZ-ZAMAN CHAUDHURI, representing the Bengal Presidency Muslim League

Colonel A. J. PUGH.

Raja MANI LAL SINGH Ray of Chakdighi.

The Hon'ble Kumar SHIB SHEKHARESHWAR ROY, representing the Northern Bengal Zamindars' Association.

The Hon'ble Mr. AMINUR RAHMAN.

The Hon'ble Babu AMBIKA CHARAN MAJUMDAR.

The Hon'ble Sir RAJENDRA NATH MOOKERJEE, K.C.I.E.

Rai JADU NATH MAJUMDAR Bahadur.

Raja MANMATHA NATH ROY CHAUDHURI, representing the Eastern Bengal Landholders' Association.

Maulvi AMIR-UD-DIN AHMED, representing the Bengal Provincial Muhammadan Association

The Hon'ble Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, C.I.E.

Mr. T. E. WELBY, representing the European Association.

Maulvi AGA MUHAMMAD KAZIM SHIRAZI, representing the Society of Maulvis and Ulamas

Mr. S. C. MUKERJI, representing the Indian Christian Association, Bengal.

Mr. J. W. CHIPPENDALE, M.A., B.L., representing the Anglo-Indian Association.

Dr. S. P. SARBADHIKARI, C.I.E., B.A., M.D., representing the University of Calcutta.

MADRAS.

Mr. H. G. STOKES, C.I.E., I.C.S., Acting Secretary to the Government of Madras, Local and Municipal Department.

M. R. Ry. Rai Sahib V. T. KRISHNAMA ACHARIYAR AVARGAL, Officer on Special Duty.

The Hon'ble Rao Bahadur B. N. SARMA GARU
The Hon'ble Rao Bahadur T. RANGA ACHARIYAR AVARGAL,
M. R. Ry. C. GOPAL MENON AVARGAL,
Khan Bahadur MUHAMMAD ABDUL KUDDUS Badshah Sahib Bahadur,
M. R. Ry. K. NAGESWARA RAO PANTULU GARU,
M. R. Ry. T. V. VENKATARAMA AYYAR AVARGAL,
} representing the Madras Mahajana Sabha

M. R. Ry. Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR AVARGAL,
M. R. Ry. G. A. NATESA AYYAR AVARGAL,
M. R. Ry. T. V. GOPALASWAMI MUDALIYAR AVARGAL,
The Hon'ble YAKUB HASAN Sahib Bahadur,
} representing the Madras Provincial Congress Committee

Dr. B. PATTABHI SITARAMAYYA, representing the Andhra Conference Committee, Guntur.

M. R. Ry. C. P. RAMASWAMI AYYAR AVARGAL.

The Hon'ble Diwan Bahadur M. RAMACHANDRA RAO PANTULU GARU.

M. R. Ry. K. SRINIVASA AYYANGAR AVARGAL.

M. R. Ry. A. RANGASWAMI AYYANGAR AVARGAL.

M. R. Ry. Diwan Bahadur D. SESHAGIRI RAO PANTULU GARU.

The Hon'ble Rao Bahadur N. SUBBA RAO AVARGAL.

Khan Bahadur MUHAMMAD ABDUL KUDDUS Badshah Sahib Bahadur.
The Hon'ble YAKUB HASAN Sahib Bahadur.
MAULANA ABDUS SUBHAN Sahib Bahadur.
Khan Bahadur GHULAM MUHAMMAD SAHIB MAHAJIR Sahib Bahadur.
MUHAMMAD MUAZZAM Sahib Bahadur.
} representing the Madras Presidency Muslim League.

MUHAMMAD USMAN Sahib Bahadur, representing the Muthialpet Muslim Anjuman, Madras.

MANDHATHA GURUCHAND PATNAIK, representing the Utkal Hitashini Samaj, Parlakimedi.

M. R. Ry. Rai Sahib A. P. PATRO GARU.

MADRAS—*contd.*

M. R. Ry. Raja V. VASUDEVA RAJA AVARGAL, C.I.E., of Kollengode, representing the Kerala Janmi Sabha, Malabar.

The Hon'ble B. RAJA RAJESWARA SETHUPATY, Raja of Ramnad.

M. R. Ry. Diwan Bahadur P. KESAVA PILLAI AVARGAL,
M. R. Ry. V. CHAKKARAI CHETTI AVARGAL,
M. R. Ry. V. PAKKIRISWAMI PILLAI AVARGAL,
M. R Ry. GURUSWAMI CHATTI GARU,
M. R Ry. SAMI VENKATACHALAM CHETTI AVARGAL,
} representing the Madras Presidency Association.

The Right Revd. E. H. M. WALLER, Bishop in Tinnevelly and Madura.

M. R. Ry. T. ARUMAINATHA PILLAI AVARGAL, representing the Catholic Indian Association of Southern India.

Mr. M. D. DEVADOSS, Barrister-at-Law, representing the Indian Christian Association.

The Revd W. MESTON, representing the Missionary Educational Council of South India

Mr. H. M. P. RAI, representing the Madras Branch of the European Association.

Mr. J. W. CRUSHA,
Mr. J. F. SIMPSON,
Mr. H. H. CHETTLE,
} representing the Madras Chamber of Commerce.

Khan Bahadur MUHAMMAD ABDUL KUDDUS Badshah Sahib Bahadur,
The Hon'ble YAKUB HASAN Sahib Bahadur,
C. ABDUL HAKIM Sahib Bahadur,
M. R. Ry. A. RANGASWAMI AYYANGAR AVARGAL,
M. R. Ry. CHITTI BABU NAYUDU GARU,
M. R. Ry. VENKATACHALAM CHETTIYAR AVARGAL,
} representing the Southern India Chamber of Commerce.

The Hon'ble Mr. J. H. THONGER,
Mr. A. T LUKER,
Mr. R. J. C. ROBERTSON,
} representing the Madras Trades Association

The Revd E M. MACPHAIL.

BOMBAY

Mr L. C CRUMP, I.C S., representing the Government of Bombay.

The Hon'ble Major C. FERNANDEZ, M.D., I.M S.

Revd. CANON D. L. JOSHI, on behalf of the Indian Christian Association.

Lieutenant-Colonel H. A. J. GIDNEY, I.M.S. (retired), representing the Bombay branch of the Anglo-Indian Empire League.

Sir JAMSETJI JIJIBHOY, BART.

Mr. W. A. HAIG-BROWN, representing the Bombay branch of the European Association.

Dr. D. D. SATHAYE, representing the Bombay National Union.

The Hon'ble MR. M. A. JINNAH.

Mr. C. N. WADIA, on behalf of the Bombay Millowners' Association.

Mr. V. R. SHINDE.

Mr. K. R. KOREGAWKAR, representing the Maratha Aikyechu Sabha.

Mirza ALI MOHAMMAD KHAN.

Mr. BHIMRAO R. AMBEDKAR.

The Hon'ble Mr. V. J. PATEL.

The Hon'ble Rao Sahib HARILAL DESAIBHAI DESAI.

Mr. CHUNILAL V. MEHTA, representing the Indian Merchants' Chamber and Bureau.

Mr. A. B LATTHE, Pleader, Belgaum.

BOMBAY—*contd.*

The Hon'ble Mr. RAGHUNATH PURUSHOTTAM PARANJYE.

Mr. V. R. KOTHARI, representing the Deccan Ryots' Association, Poona.

Mr. UMAR SOBHANI, } representing the Bombay branch of the Home Rule League.
Mr. S. G. BANKER, }

Mr. H. N. APTE, representing the Deccan Sabha, Poona.

Mr. N. C. KELKAR.

The Hon'ble Mr. D. V. BELVI.

Rao Bahadur THAKORRAM P. KAPILRAM.

Mr. N. M. JOSHI.

The Hon'ble Rao Bahadur V. S NAIK.

Mr. P. R. CHIKODI.

The Hon'ble Mr. S. J. GILLUM, } representing the Bombay Chamber of Commerce.
Sir THOMAS BIRKETT, Kt., }

Mr. AMBALAL SARABHAI } representing the Ahmadabad Millowners' Association.
Mr. KASTURBHAI, }

The Hon'ble Mr. DEVIDAS MADHAVJI THAKERSEY, representing the Bombay Native Piece-goods Merchants' Association.

The Hon'ble Sh. GHULAM HUSAIN HIDAYAT ULLAH,

Mr. B. V. JADHAV.

The Hon'ble Sir FAZULBHOY CURRIMBHOY, Kt., C I.E.

Mr. H. P. MODY.

Sardar VISHNU NARAYAN MUTALIK, representing the Inamdars' Central Association.

LIBRARY

APPENDIX XIV.

THE ORIGINAL PROPOSALS OF THE LOCAL GOVERNMENTS FOR THE CONSTITUTION OF AND ELECTIONS TO THE PROVINCIAL LEGISLATIVE COUNCILS AND THE REPRESENTATION OF THE DIFFERENT PROVINCES ON THE INDIAN LEGISLATIVE ASSEMBLY AND THE COUNCIL OF STATE.

	PAGE
1. MADRAS	103
2. BOMBAY	133
3. BENGAL	155
4. THE UNITED PROVINCES	193
5. THE PUNJAB	203
6. BIHAR AND ORISSA	227
7. THE CENTRAL PROVINCES	247
8. ASSAM	265

N.B.—The statistical information furnished by the Local Governments for the use of the Franchise Committee has, for the most part, not been included in this Appendix. It has however been reproduced, with a few omissions, in the record of the evidence taken by the Committee.

I.—MADRAS.

PAGE

(1) Letter No. 1146 (Reforms), dated the 31st December 1918, from the Acting Chief Secretary to the Government of Madras, to the Government of India (Home Department), with certain enclosures 105

(2) Note of a discussion with the Governor of Madras in Council, held at Madras on the 22nd January 1919 127

(3) Letter No. 45, dated the 6th February 1919, from the Government of Madras, to the Government of India (Home Department), with Appendix, regarding the representation of the Madras Presidency on the Indian Legislative Assembly and Council of State 130

(1) Letter No. 1146 (Reforms), dated the 31st December 1918, from the Acting Chief Secretary to the Government of Madras, to the Government of India (Home Department), with an annexure containing alternative franchise schemes.

With reference to paragraph 4 of Mr. Hignell's letter No. 950, dated 15th July 1918, and in continuation of paragraph 28 of my letter No. 948, dated 19th October 1918, I am directed now to address you on the subject of the franchise and the resulting electorates and constituencies for the Provincial Legislative Council under the Constitutional Reforms Scheme.

2. Since these letters were written electoral rolls have been completed of all persons qualified under the present rules to vote at taluk board or municipal elections. Particulars of the qualifications in each case, of community and race in certain main divisions of the population, and of literacy have been recorded. The results have been tabulated in the statistical statements herewith forwarded. Attached thereto is a brief note by the compiler explaining and commenting on the figures. Except in regard to the particulars for tenants under landholders where existing records are very defective, and in regard to the particulars of literacy which are probably optimistic estimates, His Excellency the Governor in Council considers that the figures may be accepted as approximately accurate.

3. An examination of the statistics of voters shows in the first place that, even if illiterate voters be admitted to an extent which would throw an overwhelming strain on any electoral machinery that could be devised, the electorates will comprise only a small fraction of the adult population and in the second place that neither the Panchama community nor the Muhammadans nor the Indian Christians nor the Anglo-Indians nor the Europeans could hope to secure representation under any scheme of general territorial electorates. In the case of the non-Brahman caste Hindus to which category the great majority of voters will belong, there is a general feeling of apprehension that under any scheme of purely territorial electorates most of the seats would be captured by Brahmans, as the exclusive spirit of the Brahmans would secure a solid Brahman vote in favour of Brahman candidates. Their experience and their educational superiority would give the Brahmans great advantages in canvassing, while their traditional, social and religious pre-eminence and their talents for organization would be utilised to extend their political influence outside their own class. While it is difficult to predict how the electorates of the future, if territorially constituted, will behave in respect of choosing their representatives, the Governor in Council cannot ignore the fact that the apprehensions above referred to are honestly entertained. I am to mention in this connexion that the returns of elections for the Legislative Council in 1909, 1912 and 1916 to some extent warrant these apprehensions. Whereas, in 1909, out of 13 seats allotted to local bodies and the landed interests, only three went to Brahmans and nine to the non-Brahman caste Hindus, the remaining seat going to a Muhammadan, the elections of 1912, and, still more markedly, those of 1916, increased the number and proportion of the Brahman members. In 1912, out of the same category of seats increased from 13 to 15, seven went to Brahmans and eight to non-Brahman caste Hindus, and, in 1916, the Brahmans secured so many as ten of these seats, the remaining five going to the non-Brahmans. In an electorate of 6,220, non-Brahmans numbered 3,495, and Brahmans were only 1,921. In any case so long as these apprehensions are widely and strongly felt as at present, it is impracticable to constitute territorial electorates which will be generally acceptable and will ensure representation of all important sections of the population. Moreover, in view of the large volume of illiteracy already referred to, it would be vain to hope that any general electorate can be framed which will be sufficiently active and cognisant of affairs to hold their representatives effectively to account.

4. His Excellency the Governor in Council is, therefore, constrained to the conclusion that it is wholly premature to attempt to frame any scheme for a legislative assembly for this Presidency on accepted democratic theories, though he recognises that the Government of India have pledged themselves to some advance on the present system. So far as Provincial Legislative Councils are concerned, the main feature of the scheme outlined by the writers of the Reforms report is to modify their present function as advisory bodies and to give them to some extent mandatory

powers. Such an assembly will not be acceptable to the great mass of the people of this Presidency, unless it is representative of all communities and interests in some proportion roughly approximate to their size and influence. The method of achieving this end that is most likely to meet the apprehensions above referred to, though it is recognized to be open to theoretical objections, will be to provide communal electorates freely wherever this can be done, nomination being resorted to only where such electorates cannot be constituted. A scheme prepared on these lines will be found worked out and explained as scheme A appended to this letter.

5. In paragraph 23 of my letter No. 1104-A., dated 10th December 1918, the Government of Madras have stated the outlines of the scheme of reforms they would advocate. Under those proposals the existing system of a unified government will be developed on natural lines by the addition to the Executive Council of one or more persons nominated from among the non-official members of the Legislative Council in order to include within the Government the representation of responsible non-official opinion, and the Legislative Council will continue to be advisory as at present. A scheme for the constitution of such a Legislative Council will be found worked out and explained as scheme B appended to this letter.

6. I am also directed to enclose a separate note in which the Hon'ble Sir Alexander Cardew has expressed his views in some detail on the question of the applicability of democratic institutions to this Presidency.

APPENDIX I.

Statement classifying the electors according to the rolls of 1916 and the members elected to the council constituted in that year.

Electorate	Number of electors	Hindus		Muhammadans	Christians.	Name of member elected.
		Brahmans	Non-Brahmans			
Schedule I (Corporation of Madras).	36	6	14	3	13	Brahman (the Hon'ble Mr T. Ranga Acharyar)
Schedule III (Municipalities and Local Boards)	Gr. (1) 359	136	177	27	19	Brahman (the Hon'ble Mr. A. Suryanarayana Rao Pantulu)
	Gr (2) 431	206	163	39	23	Brahman (the Hon'ble Rao Bahadur M Ramachandra Rao Pantulu Garu)
	Gr (3) 272	89	134	39	10	Brahman (the Hon'ble Mr A S. Krishna Rao Pantulu).[2]
	Gr (4) 263	90	114	42	17	Brahman (the Hon'ble Mr P. Siva Rao)
	Gr (5) 427	100	232	66	29	Non-Brahman Caste Hindu (the Hon'ble Diwan Bahadur A Subbarayalu Reddiyar Avargal)
	Gr. (6) 296	78	141	34	43	Brahman (the Hon'ble Mr B.V. Narasimha Ayyar).
	Gr (7) 324	62	167	48	47	Brahman (the Hon'ble Mr K. Sadasiva Bhat).
	Gr (8) 406	155	180	42	29	Brahman (the Hon'ble Rao Bahadur V. K. Ramanuja Acharyar Avargal)
	Gr. (9) 426	109	217	57	43	Brahman (the Hon'ble Mr. K. Rama Ayyangar).
	3,204	1,025	1,525	394	260	
Schedule IV (Zamindars)	Gr (1) 135	69	64	2	.	Brahman (the Hon'ble Mr. K R V Krishna Rao Pantulu)
	Gr (2) 142	15	120	6	1	Non-Brahman Caste Hindu (the Hon'ble the Raja of Ramnad)
	277	84	181	8	1	
Schedule V (Landholders other than zamindars).	Gr (1) 1,108	304	792	12	..	Non-Brahman Caste Hindu (the Hon'ble Mr. B Venkatapati Raju).
	Gr. (2) 1,151	426	629	84	12	Non-Brahman Caste Hindu (the Hon'ble Mr. K. Chidambaranatha Mudaliyar)
	Gr (3) 444	76	351	8	9	Non Brahman Caste Hindu (the Hon'ble Mr. K. K. R. Kavalappara Muppil Nayar).
	2,703	806	1,772	104	21	

Constituencies.	Members elected in 1909.	Members elected in 1912.
Schedule I (Corporation of Madras)	Non-Brahman Caste Hindu (M. R. Ry. Rao Bahadur P. Tyagaraya Chetti Garu)	Non-Brahman Caste Hindu (Dr. T. M. Nayar).
Schedule III (Municipal Councils and District and Taluk Boards)—		
Group (1) . .	Brahman (M R Ry G Raghava Rao Pantulu Garu).	Brahman (Hon'ble Mr. B. N. Sarma).
Group (2) . . .	Brahman (M. R. Ry. K. Perraju Pantulu Garu)	Brahman (Hon'ble Rao Bahadur M. Ramachandra Rao Pantulu Garu).
Group (3) . .	Muhammadan (Khan Bahadur Habibulla Sahib Bahadur)	Brahman (Hon'ble Mr. A S Krishna Rao Pantulu)
Group (4) . . .	Non-Brahman Caste Hindu (M. R. Ry Diwan Bahadur P Kesava Pillai Avargal)	Non-Brahman Caste Hindu (M. R. Ry. Diwan Bahadur P. Kesava Pillai Avargal).
Group (5) . . .	Non-Brahman Caste Hindu M R Ry M Sambanda Mudaliyar Avargal).	Non-Brahaman Caste Hindu (Hon'ble Diwan Bahadur A Subbarayulu Reddiyar Avargal).
Group (6) . . .	Non-Brahman Caste Hindu (M R Ry M. Krishnan Nayar Avargal)	Brahman (Hon'ble Mr. B. V Narasimha Ayyar)
Group (7) . . .	Brahman (M R Ry. Rao Bahadur N Krishnaswami Ayyangar Avargal)	Non-Brahman Caste Hindu (M R Ry K P Raman Menon Avargal)
Group (8) . . .	Non-Brahman Caste Hindu (M R Ry T. Shanmukham Pillai Avargal).	Brahman (Hon'ble Rao Bahadur V K Ramanuja Achariyar Avargal)
Group (9) . . .	. .	Brahman (Hon'ble Mr. K Rama Ayyangar).
Schedule IV—(Zamindars).—		
Group (1) . . .	Non-Brahman Caste Hindu (Raja of Vizianagram)	Brahman (M R. Ry K. R V. Krishna Rao Pantulu Garu).
Group (2) . . .	Non-Brahman Caste Hindu (Zamindar of Doddappanayakkanur)	Non-Brahman Caste Hindu (Zamindar of Doddappanayakkanur).
Schedule V—Land-holders (other than zamindars) —		
Group (1) . . .	Non Brahman Caste Hindu (M R. Ry. V Kameswara Rao Nayudu Garu)	Non-Brahman Caste Hindu (M. R. Ry. C V. S. Narasimha Raju Garu)
Group (2) . . .	Non-Brahman Caste Hindu (M R. Ry. Raja Vasudeva Raja of Kollengode)	Non-Brahman Caste Hindu (Hon'ble Mr. K Chidambaranatha Mudaliyar).
Group (3) . . .	.....	Non-Brahman Caste Hindu (M. R. Ry. V. Kunhi Raman Nayanar).

NOTE.—(1) In 1912 an additional seat was provided under schedule III in consequence of the formation of the new districts of Chittoor and Ramnad

(2) In 1912 an additional seat was provided under schedule V by constituting the Malabar and South Kanara districts into a separate group.

SCHEME A.

A SCHEME FOR THE NOMINATION AND ELECTION OF MEMBERS OF THE MADRAS LEGISLATIVE COUNCIL BASED ON COMMUNAL ELECTORATES.

[NOTE.—In these papers the words L (*a*) L (*b*) and L (*c*) stand for 'literate in English,' 'literate in vernacular' and 'illiterate']

The Madras Legislative Council shall consist of ninety-six members excluding His Excellency the Governor, the Members of the Executive Council and the Advocate-General or other officer acting in that capacity

2. These members shall be—

(*a*) Seventy-six members elected by the communities, etc., specified in paragraph 3 below.

(*b*) Twenty members nominated by the Governor of whom (*a*) not more than fifteen may be officials, and (*b*) five shall be selected to represent the depressed classes.

3. The seventy-six elected members specified in paragraph 2 shall be elected as follows, namely :—

	Members.
(i) By the European Chambers of Commerce	2
(ii) By the South Indian Chamber of Commerce	1
(iii) By the Madras Trades Association	1
(iv) By the University of Madras	1
(v) By the Planting community	1
(vi) By the Zamindars	4
(vii) By the Landholders other than zamindars	6
(viii) By the Anglo-Indian community	1
(ix) By the European community	1
(x) By the Indian Christian community	5
(xi) By the Muhammadan community	10
(xii) By the Brahman community	10
(xiii) By all Hindus who are not Brahmans or Panchamas	30
(xiv) By the cities of Madras, Madura, Trichinopoly and Srirangam	3

SCHEDULE I.

The European Chambers of Commerce.

The Chamber of Commerce at Madras will elect one member and the Chambers of Commerce at Cocanada, Tuticorin and Cochin will together elect the second member.

SCHEDULE II.

The South Indian Chamber of Commerce.

The rules for the Madras Chamber of Commerce and the Madras Trades Association (Schedule VII of the existing regulations) will be followed in this case.

SCHEDULE III.

The Madras Trades Association.

The present rules will continue—*vide* Schedule VII of the existing regulations.

SCHEDULE IV.

The University of Madras.

The existing rules will continue.

SCHEDULE V.

The Planting community

The rules in Schedule VIII of the existing regulations will continue.

SCHEDULE VI.

Zamindars.

(1) The existing rules in Schedule IV of the Regulations to the Madras Council will continue to be in force as regards the qualifications for voters and candidates.

(2) The four candidates shall be allotted as shown below :—

	Member.
GROUP I.	
Ganjam, Vizagapatam and Godavari	1
GROUP II.	
Kistna, Guntur, Nellore, North Arcot, Chittoor, Cuddapah, Kurnool, Bellary and Anantapur	1
GROUP III.	
Madras, Chingleput, Salem, Coimbatore, South Kanara, Malabar, The Nilgiris and South Arcot	1
GROUP IV.	
Tanjore, Trichinopoly, Madura, Ramnad and Tinnevelly	1

(3) The number and distribution of the voters are shown below :—

Districts.	Number of voters.
Group I—	
Ganjam	18
Vizagapatam	20
Godavari	20
TOTAL	58
Group II—	
Kistna	34
Guntur	5
Nellore	12
North Arcot	6
Chittoor	15
Cuddapah	1
Kurnool	*Nil*
Bellary	*Nil*
Anantapur	1
TOTAL	74
Group III—	
Madras	14
Chingleput	10
Salem	24
Coimbatore	8
South Kanara	2
Malabar	18
The Nilgiris	*Nil*
South Arcot	9
TOTAL	86

Districts.	Number of voters.
Group IV—	
Tanjore	8
Trichinopoly	18
Madura	11
Ramnad	11
Tinnevelly	17
TOTAL	65

SCHEDULE VII.

Landholders other than zamindars.

(1) The existing rules in Schedule V of the Regulations to the Madras Council will continue to be in force as regards the qualifications for voters and candidates.

(2) The six candidates will be allotted as shown below :—

	Member
Ganjam, Vizagapatam and Godavari	1
Kistna and Guntur	1
Nellore, North Arcot, Chittoor, Chingleput, Cuddapah, Kurnool, Bellary, Anantapur and Madras	1
Salem, Coimbatore, The Nilgiris, South Arcot and Trichinopoly	1
Tanjore, Madura, Ramnad and Tinnevelly	1
Malabar and South Kanara	1

(3) The number and distribution of the voters are shown below :—

District.	Number of voters.
Group I—	
Ganjam	90
Vizagapatam	172
Godavari	215
TOTAL	477
Group II—	
Kistna	300
Guntur	87
TOTAL	387
Group III—	
Nellore	193
North Arcot	27
Chittoor	17
Chingleput	45
Cuddapah	2
Kurnool	13
Bellary	36
Anantapur	15
Madras	19
TOTAL	367
Group IV—	
Salem	21
Coimbatore	67
The Nilgiris	10
South Arcot	94
Trichinopoly	91
TOTAL	283
Group V—	
Tanjore	639
Madura	24
Ramnad	69
Tinnevelly	91
TOTAL	823
Group VI—	
Malabar	283
South Kanara	163
TOTAL	446

SCHEDULE VIII.

The Anglo-Indian community.

Any person shall be qualified to be a voter or a candidate if being an Anglo-Indian—

(*a*) his name is entered in the electoral register of one of the circles into which the areas within the jurisdiction of the taluk boards in the district are divided; or

(*b*) he has resided or carried on business within the limits of a municipality situated in the district or within two miles of the boundary thereof for at least 120 days in the aggregate in the year preceding that in which the electoral roll is published and has paid in such preceding year to such municipality a tax of Rs. 5 or more under the tax on arts, trades, professions or callings or the tax on buildings and lands or both taxes together; or

(*c*) he has resided in a division of the city for 120 days in the aggregate in the year preceding that in which the electoral roll is published and either (*a*) has paid in such preceding year such taxes under the Madras City Municipal Bill (other than those leviable under sections 128, 136 and 141) that is, the property tax or the profession tax, to the aggregate amount of not less than Rs. 8, or (*b*) has for more than six months in such preceding year occupied a house in the city of an annual value of not less than two hundred and forty rupees.

In the Nilgiri district, in which there are no taluk boards, the following qualifications shall be prescribed in lieu of the qualifications referred to in (*a*) above :—

"Any person resident in the district of The Nilgiris shall be qualified to be a voter or a candidate if he is—

(*a*) a registered pattadar or inamdar of lands either on ryotwari or inam tenure within the district of an annual rental value of not less than Rs. 30 as calculated under section 64 of the Madras Local Boards Act of 1884, or

(*b*) a tenant under a landholder as defined in section 3 (5) of the Madras Estates Land Act of 1908, the annual rental value of whose holding within the district as evidenced by his patta or lease is not less than Rs. 30, or

(*c*) a person assessed to income-tax, or

(*d*) the permanent headman of a village in the district, or

(*e*) a graduate of an University in His Majesty's dominions, or

(*f*) a pensioned officer of the Indian Army residing within the district."

2. The total number of voters possessing these qualifications is shown below :—

Rural	27
Urban	446
TOTAL	473

SCHEDULE IX.

The European community.

The number of Europeans possessing the qualifications prescribed in schedule VIII for Anglo-Indians is as follows :—

Rural	258
Urban	1,381
TOTAL	1,639

SCHEDULE X.

The Indian Christian community.

The qualifications shall be the same as those prescribed in schedule VIII for Anglo-Indians.

2. The five seats will be allotted as follows :—

	Number of seats.
(1) Ganjam, Vizagapatam, Godavari, Kistna, Guntur and Nellore	1
(2) Cuddapah, Kurnool, Anantapur, Bellary, Chittoor, Chingleput, South Arcot and North Arcot	1
(3) Madras	1
(4) Salem, Coimbatore, The Nilgiris, Malabar, South Kanara	1
(5) Tanjore, Trichinopoly, Madura, Ramnad and Tinnevelly	1

3. The voters possessing these qualifications are shown in the following statement :—

Indian Christians.

—	Rural.				Urban				Total				Population.
	L (a).	L (b)	L (c)	Total	L (a)	L (b)	L (c)	Total	L (a)	L (b)	L (c)	Total	
Ganjam	4	4	3	11	8			8	12	4	3	19	2,250
Vizagapatam	1			1	24		1	25	25		1	26	4,562
Godavari	4	2	3	9	16	3		19	20	5	3	28	7,987
Kistna	10	43	112	165	26	2		28	36	45	112	193	49,743
Guntur	1	37	93	131	14	7	3	24	15	44	96	155	123,558
Nellore	3	1	2	6	10			10	13	1	2	16	44,157
TOTAL	23	87	213	323	98	12	4	114	121	99	217	437	232,257
Cuddapah	1	4		5	5			5	6	4		10	22,375
Kurnool		2		2	1			1	1	2		3	42,024
Anantapur	2	1		3	2	1		3	4	2		6	3,520
Bellary	1	4	2	7	11	1		12	12	5	2	19	3,570
Chittoor	5			5	3			3	8			8	4,493
Chingleput	19	69	21	109	7			7	26	69	21	116	29,262
Arcot, South	7	12	5	24	8	2	1	11	15	14	6	35	67,194
Arcot, North	6	2		8	12	3		15	18	5		23	32,598
TOTAL	41	94	28	163	49	7	1	57	90	101	29	220	203,036
Madras					448	85	14	547	448	85	14	547	37,618
Salem	5	11	6	22	7	5		12	12	16	6	34	14,747
Coimbatore	13	20		33	57	6	1	64	70	26	1	97	19,180
Nilgiris, The	18		3	21	50	34	2	86	68	34	5	107	14,040
Malabar	26	89	6	121	142	48	9	199	168	137	15	320	51,898
Kanara, South	111	123	32	266	300	64	13	377	411	187	45	643	95,842
TOTAL	173	243	47	463	556	157	25	748	729	400	72	1,201	195,722
Tanjore	16	39	17	72	85	73	2	160	101	112	19	232	80,476
Trichinopoly	8	60	6	74	60	66	3	129	68	126	9	203	86,926
Madura	14	72	42	128	104	96	25	225	118	168	67	353	60,139
Ramnad	16	39	17	72		3	1	4	16	42	18	76	76,005
Tinnevelly	44	183	26	253	248	193	11	452	292	376	37	705	175,045
TOTAL	98	393	108	599	497	431	42	970	595	824	150	1,569	488,791
GRAND TOTAL	335	817	396	1,548	1,648	692	86	2,426	1,983	1,509	482	3,974	1,159,424

SCHEDULE XI.

The Muhammadan community.

The qualifications shall be the same as under schedule VIII for Anglo-Indians.

2. The ten seats shall be allotted as shown below :—

	Number of seats.
(1) Ganjam, Vizagapatam, Godavari, Kistna, Guntur and Nellore	1
(2) Cuddapah, Kurnool, Bellary and Anantapur	2
(3) Madras	1
(4) Salem, Chittoor, North Arcot, Chingleput and South Arcot	1
(5) Tanjore, Trichinopoly and Madura	1
(6) Ramnad and Tinnevelly	1
(7) Coimbatore, The Nilgiris and South Kanara	1
(8) Malabar	2

3. The number of voters possessing these qualifications is shown in the following statement :—

Muhammadans.

—	Population	Rural				Urban.				TOTAL			
		L (a)	L (b)	L (c).	Total.	L (a).	L (b).	L (c).	Total.	L (a).	L (b).	L (c).	Total.
1 Ganjam . .	5,425	3	27	4	34	15	29	1	45	18	56	5	79
2 Vizagapatam .	21,781	4	16	9	29	17	48	6	71	21	64	15	100
3. Godavari . .	24,447	10	74	40	124	28	88	20	136	38	162	60	260
4. Kistna . .	70,733	35	230	210	475	79	200	93	372	114	430	303	847
5. Guntur . .	117,272	4	75	227	306	32	92	105	229	36	167	332	535
6 Nellore . .	81,799	4	80	85	169	17	53	5	75	21	133	90	244
TOTAL .	321,457	60	502	575	1,137	188	510	230	928	248	1,012	805	2,065
7 Cuddapah .	99,116	8	83	46	137	7	90	19	116	15	173	65	253
8. Kurnool . .	120,770	.	75	120	195	8	111	77	196	8	186	197	391
9 Bellary . .	93,081	1	70	85	156	26	247	166	439	27	317	251	595
10. Anantapur .	80,048	3	82	20	105	4	8	3	15	7	90	23	120
TOTAL .	393,015	12	310	271	593	45	456	265	766	57	766	536	1,359
11. Madras . .	59,169	..	..	.	..	180	1,108	130	1,418	180	1,108	130	1,418
TOTAL .	59,169	..	..	..	.	180	1,108	130	1,418	180	1,108	130	1,418
12. Salem . .	43,424	7	156	18	181	3	51	3	57	10	207	21	238
13. Chittoor . .	59,183	8	71	17	96	7	20	2	29	15	91	19	125
14 Arcot, North .	117,909	25	365	73	463	14	753	43	810	39	1,118	116	1,273
15. Chingleput .	31,604	11	120	12	143	..	13	7	20	11	133	19	163
16. Arcot, South .	66,986	4	179	45	228	7	50	2	59	11	229	47	287
TOTAL .	319,106	55	891	165	1,111	31	887	57	975	86	1,778	322	2,086
17. Tanjore . .	131,042	24	982	83	1,089	86	500	16	602	110	1,482	99	1,691
18. Trichinopoly .	65,768	..	195	9	204	26	215	36	277	26	410	45	481
19. Madura . .	76,558	15	641	81	737	42	572	81	695	57	1,213	162	1,432
TOTAL .	273,353	39	1,818	173	2,030	154	1,287	133	1,574	193	3,105	306	3,604
20. Ramnad . .	120,220	5	321	67	393	1	35	9	45	6	356	76	438
21. Tinnevelly .	105,474	8	485	80	578	26	342	13	381	34	827	93	954
TOTAL .	225,694	13	806	147	966	27	377	22	426	40	1,183	169	1,392
22. Coimbatore .	43,100	21	186	28	235	35	249	53	337	56	435	81	572
23. Nilgiris, The .	5,877	7	49	1	57	15	81	11	107	22	130	12	164
24. Kanara, South .	140,700	18	398	104	520	52	113	6	171	70	511	110	691
TOTAL .	189,677	46	633	133	812	102	443	70	615	148	1,076	203	1,427
25. Malabar . .	953,381	13	1,443	409	1,865	102	598	220	920	115	2,041	629	2,785
TOTAL .	953,381	13	1,443	409	1,865	102	598	220	920	115	2,041	629	2,785
GRAND TOTAL .	2,735,452	238	6,403	1,873	8,514	829	5,666	1,127	7,622	1,067	12,069	3,000	16,136

Schedule XII

The Brahman community.

The qualifications shall be the same as those prescribed in schedule VIII for Anglo-Indians.

2. The grouping and the number of voters are shown in the following statement :—

Brahmans.

—	Population	Rural.				Urban.				Total.			
		L (a).	L (b).	L (c).	Total	L (a)	L (b)	L (c)	Total	L (a).	L (b).	L (c).	Total.
Ganjam . .	146,072	207	1,093	202	1,502	184	85	1	270	391	1,178	203	1,772
Vizagapatam .	60,830	146	1,194	69	1,409	306	154	8	468	452	1,348	77	1,877
Total .	206,902	353	2,287	271	2,911	490	239	9	738	843	2,526	280	3,649
Godavari . .	61,369	520	2,270	103	2,893	478	175	4	657	998	2,445	107	3,550
Kistna .	90,583	862	3,634	189	4,685	495	235	16	746	1,357	3,869	205	5,431
Guntur . .	81,203	259	2,099	170	2,528	438	334	3	775	697	2,433	173	3,303
Nellore . .	40,423	140	805	41	986	241	94		335	381	899	41	1,321
Cuddapah .	14,158	81	382	7	470	61	27		88	142	409	7	558
Kurnool . .	16,009	21	480	2	503	68	29	1	98	89	509	3	601
Bellary . .	16,784	50	381	8	439	185	44	1	230	235	425	9	669
Anantapur .	17,663	93	513	8	614	39	8	1	48	132	521	9	662
Total .	105,037	385	2,561	66	3,012	594	202	3	799	979	2,763	69	3,811
Madras . .	32,727	.			..	1,072	360	2	1,434	1,072	360	2	1,434
Chingleput .	31,115	380	1,366	13	1,759	139	117	1	257	519	1,483	14	2,016
Chittoor . .	20,465	61	310	4	375	112	83	1	196	173	393	5	571
Arcot, North .	33,673	286	1,607	92	1,985	84	65	1	150	370	1,672	93	2,135
Salem . .	22,688	215	589	8	812	100	37	.	137	315	626	8	949
Arcot, South .	34,799	237	745	16	998	79	123	14	216	316	868	30	1,214
Total .	142,740	1,179	4,617	133	5,929	514	425	17	956	1,693	5,042	150	6,885
Coimbatore .	36,820	258	415	6	679	429	290	19	738	687	705	25	1,417
Nilgiris, The .	721	12	3	..	15	23	1	..	24	35	4		39
Malabar . .	55,527	164	1,488	76	1,728	208	214	7	429	372	1,702	83	2,157
Kanara, South .	111,324	372	3,366	408	4,146	318	136	1	455	690	3,502	409	4,601
Total .	204,392	806	5,272	490	6,568	978	641	27	1,646	1,784	5,913	517	8,214
Tanjore . .	148,083	1,092	5,385	28	6,505	1,137	1,003	11	2,151	2,229	6,388	39	8,656
Trichinopoly .	54,918	207	928	25	1,160	352	241	4	597	559	1,169	29	1,757
Total .	203,001	1,299	6,313	53	7,665	1,489	1,244	15	2,748	2,788	7,557	68	10,413
Madura . .	27,444	277	603	12	892	731	564	23	1,318	1,008	1,167	35	2,210
Ramnad . .	45,217	188	465	7	660	44	81	1	126	232	546	8	786
Tinnevelly .	54,019	277	1,831	14	2,122	233	191	2	426	510	2,022	16	2,548
Total .	126,680	742	2,899	33	3,674	1,008	836	26	1,870	1,750	3,735	59	5,544
GRAND TOTAL	1,254,634	6,405	31,952	1,508	39,865	7,556	4,691	122	12,369	13,961	36,643	1,630	52,234

SCHEDULE XIII.

The non-Brahman community.

The qualifications shall be same as those prescribed in schedule VIII for Anglo-Indians.

2. The grouping and the number of voters are shown in the following statement :—

Non-Brahman caste Hindus.

—	Rural.				Urban.				TOTAL.				Population.
	L (a)	L (b)	L (c)	Total.	L (a)	L (b).	L (c).	Total	L (a).	L (b)	L (c).	Total.	
Ganjam*	201	5,430	5,960	11,602	127	242	31	400	330	5,672	6,000	12,002	1,548,292
Vizagapatam*	71	4,791	9,705	14,569	279	592	189	1,060	352	5,383	9,894	15,629	1,372,409
Godavari	104	5,695	9,844	15 703	327	807	131	1,265	491	6,502	9,975	16,968	1,022,640
Kistna	309	11,246	17,729	29,284	261	1,522	499	2,282	570	12,768	18,228	31,566	1,323,792
Guntur	85	5,037	14,566	19,688	130	1,182	456	1,768	215	6,219	15,022	21,456	1,154,384
Nellore	85	4,041	6,149	10,275	65	402	35	502	150	4,443	6,184	10,777	846,554
Cuddapah	59	3,313	1,772	5,144	32	291	20	343	91	3,604	1,792	5,487	639,512
Chittoor	76	2,468	1,163	3,697	57	243	45	345	133	2,701	1,208	4,042	930,274
Bellary	32	2,768	1,853	4,653	120	868	235	1,223	152	3,636	2,088	5,876	736,022
Anantapur	37	2,409	1,120	3,566	6	50	5	61	43	2,459	1,125	3,627	790,655
Kurnool	16	2,701	2,872	5,649	35	268	77	380	51	3,029	2,949	6,029	638,718
Chingleput	315	6,175	2,086	8,576	68	703	92	863	383	6,878	2,178	9,439	928,209
Arcot, North	152	6,864	3,385	10,401	94	1,265	180	1,539	217	6,901	1,351	8,469	1,420,646
Arcot, South*	117	6,514	1,270	7,901	100	387	81	568	217	6,901	1,351	8,469	1,562,060
Salem	109	3,127	2,648	5,284	53	513	48	614	162	3,640	2,096	5,898	1,432,769
Coimbatore*	161	5,951	2,460	8,572	181	1,129	268	1,568	342	7,070	2,728	10,140	1,689,759
The Nilgiris	28	124	40	192	37	158	60	255	65	282	100	447	69,852
Malabar*	450	3,534	215	4,199	445	718	98	1,261	895	4,252	313	5,460	1,689,843
South Kanara	76	2,284	1,203	3,563	88	138	28	254	164	2,422	1,231	3,817	724,507
Tanjore	396	8,667	960	10,023	531	3,070	230	4,431	927	12,337	1,190	14,454	1,485,471
Trichinopoly	43	2,887	801	3,731	241	1,107	131	1,479	284	3,994	932	5,210	1,512,869
Madura	150	6,439	4,330	10,919	490	6,297	1,022	7,809	640	12,736	5,352	18,728	1,448,225
Ramnad	61	4,655	764	4,880	39	720	113	872	100	4,775	877	5,752	1,177,268
Tinnevelly	190	3,630	869	4,689	357	1,645	163	2,165	547	5,275	1,032	6,854	1,134,466
Madras	..	..	..	..	2,092	5,389	653	8,044	2,092	5,389	653	8,044	312,372
TOTAL	3,387	110,200	97,173	206,760	6,165	30,296	4,890	41,351	9,552	140,496	98,063	248,111	28,028,478

* An additional seat.

SCHEDULE XIV.

The cities of Madras, Madura, Trichinopoly and Srirangam.

(1) The distribution of seats will be as follows :—

	Member.
(1) Madras	1
(2) Madura	1
(3) Trichinopoly and Srirangam	1

(2) The qualifications shall be as follows :—

In Madras.—Any person who shall have resided in a division of the city for 120 days in the aggregate in the year preceding that in which the electoral roll is published and either (*a*) has paid in such preceding year such taxes under the Madras City Municipal Bill (other than those leviable under sections 128, 136 and 141) that is, the property tax or the profession tax, to the aggregate amount of not less than Rs. 8, or (*b*) has for more than six months in such preceding year occupied a house in the city of an annual value of not less than two hundred and forty rupees, shall be qualified to be a voter or a candidate.

In Trichinopoly, Madura and Srirangam.—Any person who has resided or carried on business either within the limits of these municipalities or within two miles of their boundaries, for 120 days in the aggregate during the year preceding that in which the electoral roll is published and has paid in such preceding year a tax of Rs. 5 to the municipality under the tax on arts, trades, professions or callings or the tax on buildings and lands or both taxes together shall be qualified to be a voter or a candidate.

(3) The following tabular statement shows the number of voters, etc. :—

	Muhammadans.				Indian Christians.				Europeans.				Brahmans				Non-Brahman caste Hindus				Non-caste Hindus.				Special communities such as Anglo-Indians.				Special communities such as Others.				Total			
	L (a).	L (b).	L (c).	Total.	L (a)	L (b).	L (c).	Total.	L (a)	L (b).	L (c).	Total.	L (a).	L (b).	L (c).	Total	L (a	L (b).	L (c).	Total.	L (a)	L (b).	L (c)	Total.	L (a).	L (b).	L (c).	Total	L (a)	L (b).	L (c).	Total.	L (a).	L (b).	L (c).	Total.
Madras	180	1,108	130	1,418	448	85	14	547	482	..	.	482	1,072	360	2	1,434	2,002	5,389	653	8,044	21	98	43	162	218			218	13	3	.	16	4,218	7,043	842	12,103
Madura	80	417	60	507	84	61	5	150	43	..		43	581	451	11	1,043	378	5 212	653	6,243	.	56	61	117							.		1,116	6,197	790	8,103
Trichinopoly	22	199	36	257	59	65	3	127	35	..	.	35	178	118	1	297	175	807	98	1,080	3	1	1	5					.				472	1,199	139	1,801
Srirangam	..	1	..	1	1	..	.	1	.	.		..	159	109	2	270	28	200	28	256				..		..			.	.	.	.	188	310	30	528
TOTAL	22	200	36	258	60	65	3	128	35	.	.	35	337	227	3	567	203	1,007	126	1,336	3	1	1	5			..	.	.	..	..	.	660	1,500	169	2,329

SCHEME B.

A SCHEME FOR THE NOMINATION AND ELECTION OF MEMBERS OF THE MADRAS LEGISLATIVE COUNCIL BASED ON GENERAL TERRITORIAL ELECTORATES.

NOTE.—In these papers, L (*a*), L (*b*) and L (*c*) stand for 'literate in English,' 'literate in vernacular' and 'illiterate.'

The Madras Legislative Council shall consist of ninety-five members excluding His Excellency the Governor, the Members of the Executive Council and the Advocate-General or other officer acting in that capacity.

2. These members shall be—

(*a*) sixty members elected by the classes specified in paragraph 3 below.

(*b*) members nominated by the Governor not exceeding thirty-five in number of whom (*a*) not more than fifteen may be officials, (*b*) one shall be selected to represent the Madras Port Trust and one the Anglo-Indian community, five shall be persons selected to represent the depressed classes and four the Indian Christian communities.

3. The sixty elected members specified in paragraph 2 shall be elected as follows :—

		Members.
The General electorates.	(i) By the Madras City	2
	(ii) By the Madura City	1
	(iii) By the towns of Trichinopoly and Srirangam	1
	(iv) By the district electorates described in schedule IV	33
	(v) By the University of Madras	1
	(vi) By the Zamindars	4
	(vii) By the Landholders other than Zamindars	6
	(viii) By the Chambers of Commerce at Madras, Cocanada, Tuticorin and Cochin	3
	(ix) By the Southern India Chamber of Commerce	1
	(x) By the Madras Trades Association	1
	(xi) By the Planting Associations	1
	(xii) By the Muhammadan community	6

SCHEDULE I.

The Madras City.

(1) *Qualifications of voters and candidates.*—Any person (not being a Muhammadan) who shall have resided in a division of the city for 120 days in the aggregate in the year preceding that in which the electoral roll is published and either (*a*) has paid in such preceding year such taxes under the Madras City Municipal Bill (other than those leviable under sections 128, 136 and 141) that is, the property tax or the profession tax, to the aggregate amount of not less than Rs. 8 or (*b*) has for more than six months in such preceding year occupied a house in the city of an annual value of not less than two hundred and forty rupees, shall be qualified to be a voter or a candidate.

(2) The population of the city excluding Muhammadans is 459,491. The number of persons possessing the qualifications specified above is shown in the following statement :—

—	Indian Christians				Europeans				Brahmans.				Non-Brahman caste Hindus				Non-caste Hindus				Others.				TOTAL.			
	L (*a*)	L (*b*)	L (*c*)	TOTAL.	L (*a*)	L (*b*)	L (*c*).	TOTAL	L (*a*)	L (*b*)	L (*c*)	TOTAL	L (*a*)	L (*b*)	L (*c*)	TOTAL	L (*a*)	L (*b*)	L (*c*)	TOTAL.	L (*a*)	L (*b*)	L (*c*)	TOTAL.	L (*a*)	L (*b*)	L (*c*).	TOTAL.
Madras City	448	85	14	517	182			482	1,072	360	2	1,434	2,002	5,389	653	8,044	21	98	43	162	13	3		16	4,038	5,935	712	10,685

SCHEDULE II.

The Madura City.

(1) *Qualifications of voters and candidates.*—Any person (not being a Muhammadan) who has resided or carried on business within the limits of the municipality of Madura or within two miles of its boundary for 120 days in the aggregate during the year preceding that in which the electoral roll is published and has paid in such preceding year a tax of Rs. 5 to the municipality under the tax on arts, trades, professions or callings or under the tax on buildings and lands or under both taxes together shall be qualified to be a voter or a candidate.

(2) The population of the city excluding Muhammadans is 123,544 and the number of persons possessing these qualifications is shown in the following statement :—

—	Indian Christians				Europeans				Brahmans				Non Brahman caste Hindus				Non-caste Hindus				TOTAL			
	L (a)	L (b)	L (c)	TOTAL	L (a)	L (b)	L (c)	TOTAL	L (a)	L (b)	L (c)	TOTAL	L (a)	L (b)	L (c)	TOTAL	L (a)	L (b)	L (c)	TOTAL	L (a)	L (b)	L (c)	[illegible]
Madura city	81	61		150	11			41	581	151	11	1 041	378	5 212	6	5 243	56	61	117		1 086	5 780	[illegible]	7,[illegible]

SCHEDULE III.

The towns of Trichinopoly and Srirangam.

(1) *Qualifications of voters and candidates.*—Any person (not being a Muhammadan) who has resided or carried on business either within the limits of either of the municipalities of Trichinopoly or Srirangam or within two miles of their boundaries for 120 days in the aggregate during the year preceding that in which the electoral roll is published and has paid in such preceding year a tax of Rs. 5 to the municipality under the tax on arts, trades, professions or callings or the tax on buildings and lands or both taxes together shall be qualified to be a voter or a candidate.

(2) The population of these towns excluding Muhammadans is 132,183 and the number of persons possessing these qualifications is shown in the following statement :—

—	Indian Christians				Europeans				Brahmans				Non Brahman caste Hindus				Non-caste Hindus				TOTAL			
	L (a)	L (b)	L (c)	TOTAL	L (a)	L (b)	L (c)	TOTAL	L (a)	L (b)	L (c)	TOTAL	L (a)	L (b)	L (c)	TOTAL	L (a)	L (b)	L (c)	TOTAL	L (a)	L (b)	L (c)	TOTAL
Srirangam . .	1			1					159	109	2	270	28	200	28	256					188	309	30	[illegible]
Trichinopoly . .	59	65	3	127	35			35	178	118	1	297	175	807	98	1 080	3	1	1	5	450	991	103	1,544
TOTAL	60	65	3	128	35			35	337	227	3	567	203	1,007	126	1,336	3	1	1	5	638	1,300	133	[illegible]

SCHEDULE IV.

The district electorates.

The thirty-three members specified in paragraph 3 (*iv*) shall be elected as shown below :—

	Members
Ganjam	1
Vizagapatam	2
Godavari	2
Kistna	2
Guntur	1
Nellore	1
Cuddapah	1
Chittoor	1
Bellary	1
Anantapur	1
Kurnool	1
Chingleput	1
North Arcot	2
South Arcot	2
Salem	2
Coimbatore	2
The Nilgiris	1
Malabar	2
South Kanara	1
Tanjore	2
Trichinopoly	1
Madura	1
Ramnad	1
Tinnevelly	1
	33

Qualifications of voters and candidates.—Any person (not being a Muhammadan) shall be qualified to be a voter or a candidate if—

(*a*) his name is entered in the electoral register of one of the circles into which the areas within the jurisdiction of the taluk boards in the district are divided; or

(*b*) he has resided or carried on business within the limits of a municipality situated in the district or within two miles of the boundary thereof for at least 120 days in the aggregate in the year preceding that in which the electoral roll is published and has paid in such preceding year to such municipality a tax of Rs. 5 or more under the tax on arts, trades, professions or callings or the tax on buildings and lands or both taxes together. Provided that no person included in the rolls under schedules II and III shall be eligible as a voter or candidate under this schedule.

In the Nilgiri district in which there are no taluk boards the following qualifications shall be prescribed in lieu of the qualifications referred to in (*a*) above :—

"Any person resident in the district of The Nilgiris shall be qualified to be a voter or a candidate if he is—

(*a*) a registered pattadar or inamdar of lands either on ryotwari or inam tenure within the district of an annual rental value of not less than Rs. 30 as calculated under section 64 of the Madras Local Boards Act of 1884, or

(*b*) a tenant under a landholder as defined in section 3 (5) of the Madras Estates Land Act of 1908, the annual rental value of whose holding within the district as evidenced by his patta or lease is not less than Rs. 30, or

(*c*) a person assessed to income-tax, or

(*d*) the permanent headman of a village in the district, or

(*e*) a graduate of an University in His Majesty's dominions, or

(*f*) a pensioned officer of the Indian Army residing within the district."

The number of persons possessing these qualifications in each district is shown in the annexed statement :—

District.	Area.	Population.	Population excluding Muhammadans.	Rural voters.																							
				Indian Christians.				Europeans.				Brahmans.				Non-Brahman caste Hindus.				Non-caste Hindus.				Total.			
(1)	(2)	(3)	(4)	L (a) (5)	L (b) (6)	L (c) (7)	Total. (8)	L (a) (9)	L (b) (10)	L (c) (11)	Total. (12)	L (a) (13)	L (b) (14)	L (c) (15)	Total. (16)	L (a) (17)	L (b) (18)	L (c) (19)	Total. (20)	L (a) (21)	L (b) (22)	L (c) (23)	Total. (24)	L (a) (25)	L (b) (26)	L (c) (27)	Total. (28)
1. Ganjam	4,896	1,870,826	1,865,401	4	4	3	11	2		..	2	207	1,093	202	1,502	203	5,430	5,969	11,602	1	78	44	123	417	6,605	6,318	13,340
2. Vizagapatam	4,600	2,169,670	2,147,889	1	.	.	1	2		.	2	146	1,194	69	1,409	73	4,791	9,705	14,569		2	32	34	222	5,987	9,806	16,015
3. Godavari	4,717	1,906,949	1,421,510	4	2	3	9	4	.		4	520	2,270	103	2,893	164	5,695	9,844	15,703	2	12	127	141	694	7,979	10,077	18,750
4. Kistna	5,907	1,997,535	1,926,802	10	43	112	165	8	.	.	8	862	3,634	189	4,685	309	11,246	17,729	29,284	3	32	295	330	1 192	14,955	18,335	34,482
5. Guntur	5,735	1,697,551	1,580,279	1	37	93	131	5	.	..	5	259	2,099	170	2,528	85	5,037	14,566	19,688		1	49	50	350	7,174	14,878	22,402
6. Nellore	7,973	1,328,152	1,246,353	3	1	2	6	2			2	140	805	41	986	85	4,041	6,149	10,275	.	1	45	46	230	4,848	6,257	11,318
7. Cuddapah	5,891	893,998	794,882	1	4		5	2	.		2	81	382	7	470	59	3,313	1,772	5,144	.		.		143	3,699	1,799	5,641
8. Chittoor	5,676	1,238,742	1,179,559	5	.		5	2	.	.	2	61	310	4	375	76	2,458	1,163	3,697		2	8	10	144	2,770	1,175	4,089
9. Bellary	5,714	969,426	875,755	1	4	2	7					50	381	8	439	32	2,768	1,853	4,653		3	14	17	83	3 156	1,877	5,116
10. Anantapur	6,718	963,223	883,175	2	1		3	1		.	1	93	513	8	614	37	2,409	1,120	3,566	.		2	2	133	2,923	1,130	4,186
11. Kurnool	7,580	935,199	814,429		2		2					21	480	2	503	10	2,761	2,872	5,649		10	14	24	37	3,253	2,888	6,178
12. Chingleput	3,072	1,412,008	1,374,404	19	69	21	109	6	.		6	380	1,366	13	1,759	315	6,175	2,086	8,576		19	71	90	720	7 629	2,191	10,540
13. Arcot, North	4,921	1,960,960	1,843,051	6	2		8	7	.	.	7	286	1,607	92	1,985	152	6,864	3,385	10,401	1	23	48	72	452	8,496	3,525	12,473
14. Arcot, South	4,208	2,362,566	2,295,580	7	12	5	24	2	.	.	2	237	745	16	998	117	6 514	1,270	7.901		10	16	26	363	7 281	1,307	8,951
15. Salem	6,986	2,188,004	1,723,256	5	11	6	22	35		.	35	215	589	8	812	109	3 127	2,048	5,284		1	4	5	364	3,728	2,066	6,158
16. Coimbatore	7,196	2,116,564	2,073,464	13	20		33	6	..	.	6	258	415	6	679	161	5 051	2,460	8,572		17	20	37	438	6 403	4,486	9,297
17. Nilgiris, The	1,009	118,616	112,741	18	.	3	21	127	.		127	12	3		15	28	124	40	192	.	2	2	4	185	129	45	359
18. Malabar	5,796	3,002,801	2,061,738	26	89	6	121	22	..	.	22	164	1,488	76	1,728	450	3,534	215	4,199	2	117	45	164	664	5,228	342	6,234
19. South Kanara	4,018	1,191,272	1,054,527	111	123	32	266	6	..		6	372	3,366	408	4,146	76	2,284	1 203	3,563	..	..	.	..	565	5,773	1,643	7,981
20. Tanjore	3,727	2,362,689	2,231,647	16	39	17	72	1	.	.	1	1,092	5,385	28	6,505	398	8.667	960	10,023		12	17	29	1,505	14,103	1,022	16,630
21. Trichinopoly	4 235	1,537 394	1,533,026	8	60	6	74	.	..	..	..	207	928	25	1,160	43	2,887	801	3,731		6	17	23	258	9,881	849	4,998
22. Madura	4,908	1,798,702	1,732,730	14	72	42	128	10	..	.	10	277	603	12	892	150	6,439	4,330	10,919		36	83	119	451	7,150	4,467	12,068
23. Ramnad	4,834	1,654 453	1,538,283	30	39	17	72	3	..	.	3	196	465	7	660	61	4,055	764	4,880	2	20	25	47	270	4,579	813	5,662
24. Tinnevelly	4,353	1,760,619	1,685,145	44	163	26	253	5	..		5	277	1,831	14	2,122	190	3,630	869	4,689	.	18	61	79	516	5,882	970	7,368
Total.	124,660	52,471,931	45,095,574	325	817	396	1,548	256	..	..	256	6,455	31,932	1,509	39,896	2,387	110,209	93,173	205,769	11	422	1,039	1,472	[illegible]	143,891	95,116	[illegible]

Districts.	Urban voters.																											
	Indian Christians.				Europeans.				Brahmans				Non-Brahmen caste Hindus				Non-caste Hindus				Total				Grand Total.			
	L (a). (29)	L (b). (30)	L (c). (31)	Total. (32)	L (a). (33)	L (b). (34)	L (c). (35)	Total. (36)	L (a). (37)	L (b). (38)	L (c). (39)	Total. (40)	L (a). (41)	L (b). (42)	L (c). (43)	Total. (44)	L (a). (45)	L (b). (46)	L (c). (47)	Total. (48)	L (a) (49)	L (b) (50)	L (c). (51)	Total. (52)	L (a). (53)	L (b). (54)	L (c). (55)	Total. (56)
1. Ganjam	8	..	..	8	16		..	16	184	85	1	270	127	242	31	400			1	1	335	327	33	695	752	6,932	6,251	13,935
2. Vizagapatam	24	.	1	25	71			71	306	154	8	468	279	592	189	1,060	.	2		2	680	748	198	1 626	602	6,755	10,004	17,641
3. Gódávari	16	3	.	19	82		..	82	478	175	4	657	327	807	131	1 265		1		1	903	986	135	2,024	1,597	8 965	10,212	20,774
4. Kistna	26	2	..	28	21			21	495	235	16	746	261	1,522	499	2,282	2	3	22	27	805	1,762	537	3,104	1,907	16,717	18,862	37,576
5. Guntúr	14	7	3	24	29	.		29	438	334	3	775	180	1,182	456	1,768		21	13	34	611	1,544	475	2,630	961	8,718	15,353	25,032
6. Nellore	10	..	.	10	8			8	241	94		335	65	402	35	502					324	496	35	855	551	5,344	6,272	12,170
7. Cuddapah	5		..	5	2			2	61	27		88	32	291	20	343		.	1	1	100	318	21	439	443	4,017	1,800	6,060
8. Chittoor	3	..	..	3	8	.		8	112	83	1	196	57	243	45	345					180	326	46	552	324	3 096	1 221	4 641
9. Bellary	11	1	..	12	19			19	185	44	1	230	120	868	235	1,223	.				335	919	236	1 484	418	4 069	2 113	6,600
10. Anantapur	2	1	..	3	4	.		4	39	8	1	48	6	50	5	61		.	.	.	51	59	6	116	184	2 982	1,136	4,302
11. Kurnool	1	.	..	1	10			10	68	29	1	98	35	268	77	380	3	.		3	117	297	78	492	154	3 550	2,966	6,670
12. Chingleput	7	..	..	7	1	.		1	189	117	1	257	68	703	92	863	2	7		9	217	827	93	1 137	937	8 456	2 284	11,677
13. Arcot, North	12	3	..	15	5	.	.	5	84	65	1	150	94	1,265	180	1,539			4	4	105	1,333	185	1 623	647	9 829	3 710	14,186
14. Arcot, South	8	2	1	11	6			6	79	123	14	216	100	387	81	568		.	1	1	193	512	97	802	556	7,793	1 404	9,753
15. Salem	7	5	..	12	12			12	100	37	.	137	53	173	48	614	..	.	1	1	172	555	49	776	536	4 283	2,115	6,934
16. Coimbatore	57	6	1	64	98	.		98	429	290	19	738	181	1,110	268	1 568	4	41	11	56	769	1,456	299	2,524	1,207	7,859	2,785	11,851
17. Nilgiris, The	50	34	2	86	155	.	.	155	23	1		24	37	158	60	255	1	12	26	39	266	205	88	559	451	394	133	[illegible]
18. Malabar	142	48	9	199	82	.	.	82	208	214	7	429	445	718	98	1,261	3	27	5	35	880	1,007	119	2,006	1,544	6,235	461	8,240
19. South Kanara	300	64	13	377	50	.		50	318	136	1	455	88	138	28	254	..	..	1	1	756	338	43	1,137	1,321	6,111	1 686	9,118
20. Tanjore	85	73	2	160	46	.	..	46	1,137	1,003	11	2.151	581	3,670	230	4,431	.	15	6	21	1,799	4,761	249	6,809	3,304	18,864	1,271	23,439
21. Trichinopoly	60	66	3	129		.	.	..	15	14	1	30	38	100	5	143	..	..	..	..	113	180	9	302	371	4,061	858	5,290
22. Madura	154	96	25	225	17	.	.	17	156	113	12	275	112	1,085	309	1,506	5	18	19	42	368	1,812	425	2,125	339	8,462	4,892	14,193
23. Tinnevelly	..	2	1	4	17	..	..	17	44	81	1	126	39	720	113	872	..	1	3	4	100	805	118	1,023	376	5,394	941	6,711
24. Tinnevelly	243	193	11	452	62	..	.	62	223	191	2	426	357	1,645	163	2,165	8	11	5	19	903	2,040	181	3,124	1,419	7,702	1,151	10,272
Total	1,[illegible]	807	72	1,879	821	..	..	821	5,564	3,853	106	9,325	3,582	18,688	3,458	25,728	23	150	119	301	13,102	23,167	3,756	39,944	[illegible]	[illegible]	[illegible]	[illegible]

SCHEDULE V.

The University of Madras.

The existing rules will continue.

SCHEDULE VI.

Zamindars.

(1) The existing rules in Schedule IV of the Regulations to the Madras Council will continue to be in force as regards the qualifications for voters and candidates.

(2) The four candidates shall be allotted as shown below :—

	Member.
GROUP I.	
Ganjām, Vizagapatam and Gōdāvari	1
GROUP II.	
Kistna, Guntūr, Nellore, North Arcot, Chittoor, Cuddapah, Kurnool, Bellary and Anantapur	1
GROUP III	
Madras, Chingleput, Salem, Coimbatore, South Kanara, Malabar, The Nilgiris and South Arcot	1
GROUP IV.	
Tanjore, Trichinopoly, Madura, Ramnad and Tinnevelly	1

(3) The number and distribution of the voters are shown below :—

Districts.	Number of voters.
Group I—	
Ganjām	18
Vizagapatam	20
Gōdavari	20
TOTAL	58
Group II—	
Kistna	34
Guntūr	5
Nellore	12
North Arcot	6
Chittoor	15
Cuddapah	1
Kurnool	*Nil*
Bellary	*Nil*
Anantapur	1
TOTAL	74
Group III—	
Madras	14
Chingleput	10
Salem	24
Coimbatore	9
South Kanara	2
Malabar	18
The Nilgiris	*Nil*
South Arcot	9
TOTAL	86
Group IV—	
Tanjore	8
Trichinopoly	18
Madura	11
Ramnad	11
Tinnevelly	17
TOTAL	65

SCHEDULE VII.

Landholders other than zamindars.

(1) The existing rules in Schedule V of the Regulations to the Madras Council will continue to be in force as regards the qualifications for voters and candidates.

(2) The six candidates will be allotted as shown below :—

	Member.
Ganjām, Vizagapatam and Gōdāvari	1
Kistna and Guntūr	1
Nellore, North Arcot, Chittoor, Chingleput, Cuddapah, Kurnool, Bellary, Anantapur and Madras	1
Salem, Coimbatore, The Nilgiris, South Arcot and Trichinopoly	1
Tanjore, Madura, Ramnad and Tinnevelly	1
Malabar and South Kanara	1

(3) The number and distribution of the voters are shown below :—

District	Number of voters.
Group I—	
Ganjām	90
Vizagapatam	172
Gōdāvari	215
TOTAL	477
Group II—	
Kistna	300
Guntūr	87
TOTAL	387
Group III—	
Nellore	193
North Arcot	27
Chittoor	17
Chingleput	45
Cuddapah	2
Kurnool	13
Bellary	36
Anantapur	15
Madras	19
TOTAL	367
Group IV—	
Salem	21
Coimbatore	67
The Nilgiris	10
South Arcot	94
Trichinopoly	91
TOTAL	283
Group V—	
Tanjore	639
Madura	24
Ramnad	69
Tinnevelly	91
TOTAL	823
Group VI—	
Malabar	283
South Kanara	163
TOTAL	446

SCHEDULE VIII.

The Chambers of Commerce.

Each of the Chambers of Commerce at Madras and Cocanada will elect one member and the Chambers at Tuticorin and Cochin together will elect the third member.

SCHEDULE IX.

The Southern India Chamber of Commerce.

This is a new electorate. The rules for the Madras Chamber of Commerce and the Madras Trades Association (Schedule VII of the existing regulations) will be followed in this case.

SCHEDULE X.

The Madras Trades Association.

The present rules will continue—*vide* Schedule VII of the existing regulations.

SCHEDULE XI.

The planting community.

The present rules will continue—*vide* Schedule VIII to the existing regulations.

SCHEDULE XII.

The Muhammadan community.

Of the six members allotted to the Muhammadan community, one shall be elected for each of the following groups of districts :—

(1) Ganjām, Vizagapatam, Gōdāvari, Kistna, Guntūr and Nellore.
(2) Cuddapah, Chittoor, Bellary, Anantapur and Kurnool
(3) Chingleput, Madras, North Arcot, South Arcot, Salem, Coimbatore, Trichinopoly and The Nilgiris
(4) Tanjore, Madura, Ramnad and Tinnevelly.
(5) South Malabar.
(6) North Malabar and South Kanara

2. Any person shall be qualified to be a voter or candidate under this schedule if being a Muhammadan he possesses one of the qualifications prescribed for the district electorates or for voters in the Madras City—Schedule I.

The electorates under these qualifications are shown below :—

Muhammadans.

	Rural				Urban				Total				Population (Muhammadans)
	L (a)	L (b)	L (c)	Total	L (a)	L (b)	L (c)	Total	L (a)	L (b)	L (c)	Total	
Ganjam	3	27	4	34	15	29	1	45	18	56	5	79	[illegible]
Vizagapatam	4	16	0	20	17	48	6	71	21	64	15	100	21,751
Gōdāvari	10	74	40	124	28	88	20	136	38	162	60	260	24,647
Kistna	35	230	210	475	79	200	94	372	114	430	303	847	70,793
Guntūr	4	75	227	306	32	92	105	229	36	167	332	535	117,277
Nellore	4	80	85	169	17	53	5	75	21	133	90	244	81,799
Total	60	502	575	1,137	188	510	230	928	248	1,012	805	2,065	321,457
Cuddapah	8	83	46	137	7	90	19	116	15	173	65	253	99,116
Chittoor	8	71	17	96	7	20	2	29	15	91	19	125	59,183
Bellary	1	70	85	156	26	247	166	439	27	317	251	595	93,681
Anantapur	3	82	20	105	4	8	3	15	7	90	23	120	80,0[illegible]
Kurnool	.	76	120	195	8	111	77	196	8	186	197	391	120,770
Total	20	381	288	689	52	476	267	795	72	857	555	1,484	452,798
Chingleput	11	120	12	143	.	13	7	20	11	133	19	163	21,604
Madras	.	..	.		180	1,108	130	1,418	180	1,108	130	1,418	49,195
North Arcot	25	305	73	403	14	754	43	810	39	1,118	116	1,273	117,909
South Arcot	4	179	45	228	7	50	2	59	11	229	47	287	66,985
Salem	7	156	18	181	3	51	3	57	10	207	21	238	43,424
Coimbatore	21	186	28	235	35	240	53	337	56	435	81	572	48,100
Trichinopoly	..	195	9	204	26	215	36	277	26	410	45	481	65,754
The Nilgiris	7	49	1	57	15	81	11	107	22	130	12	164	5,177
Total	75	1,230	186	1,511	280	2,520	285	3,085	355	3,770	471	4,596	438,623
Tanjore	24	982	83	1,089	86	590	16	692	110	1,482	99	1,691	131,0[illegible]
Madura	15	641	81	737	42	572	81	695	57	1,213	162	1,432	76,5[illegible]
Ramnad	5	321	67	393	1	35	9	45	6	356	76	438	120,[illegible]
Tinnevelly	8	485	80	573	26	342	13	381	34	827	93	954	105,474
Total	52	2,429	311	2,792	155	1,449	119	1,723	207	3,878	430	4,515	[illegible]
South Malabar	6	1,045	274	1,325	50	356	75	481	56	1,401	349	1,806	[illegible]
North Malabar	7	398	135	540	52	242	145	439	59	640	280	979	[illegible]
South Kanara	12	306	104	520	52	113	6	171	70	511	110	691	[illegible]
Total	25	700	239	1,060	104	355	151	610	129	1,151	390	2,[illegible]	[illegible]

ENCLOSURE.

Note by the Hon'ble Sir Alexander Cardew, K.C.S.I., I.C.S.

The declaration on Indian policy of the 20th of August 1917, from which the joint report of the Secretary of State and His Excellency the Viceroy springs, was in the following terms:—

"The policy of His Majesty's Government with which the Government of India are in complete accord is that of increasing the association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realization of responsible Government in India as an integral part of the British Empire. They have decided that substantial steps in this direction should be taken as soon as possible. I would add that progress in this policy can only be achieved by successive stages. The British Government and the Government of India on whom the responsibility lies for the welfare and advancement of the Indian peoples must be the judges of the time and measure of each advance, and they must be guided by the co-operation received from those upon whom new opportunities of service will thus be conferred and by the extent to which it is found that confidence can be reposed in their sense of responsibility."

As one of the non-official gentlemen consulted by this Government on the subject of the joint report (the Hon'ble Mr. Subbarayalu Reddi) remarks, "the announcement of the 20th of August was in no sense a new policy to be pursued by the British Government in the administration of Indian affairs. The policy announced on the 20th of August has been the policy of the British Government in India for more than a century. The great Sir Thomas Munro in his sayings and writings gave expression to this policy." There is no reason, therefore, why all should not accept the policy embodied in the declaration of the 20th August 1917 and desire to see India gradually advance towards democracy. But it will probably also be agreed that such advance, if it is to be either real or beneficent, must be based on stable foundations and it is necessary therefore first to examine whether these foundations at present exist.

2. It may first be asked whether the democratic idea is in accordance with the prevailing philosophy of the people of India. The fundamental principle of the modern democratic state is the recognition of the value of the individual and the belief that, as each individual has but one life, full opportunity should be accorded to allow each to attain his maximum development in that life. Neither of these propositions is accepted in the current philosophy of India. This rather holds that the present life is for each only one of a series of existences; that the position of each individual in this life has been determined for him by his merit or demerit in previous births; and that therefore his place in the social organism is irrevocably fixed and cannot be changed. It may therefore be safely asserted that the root-notions of democracy run counter to all the ideas which for thousands of years have formed the common stock of popular belief in India.

3. Closely connected with the doctrine that each man's place in the present birth has been determined by his actions in past existences is the institution of caste which has the effect of stereotyping and fixing unalterably the position of each individual in the social scale. Thus a man born a Brahman cannot be other than a Brahman and a man born a Pariah can never be other than a Pariah. Equality of opportunity is impossible under such conditions and it is neither recognised not desired by Indian public opinion.

4. At the apex of the caste pyramid stands the Brahman. This caste, originally representing, at least in Southern India, a racial difference, has established through a long period of time its absolute supremacy over all other castes. The Brahman's claim to supremacy is based not only on race and intellect but also on the injunctions of religion. The sanctity of a Brahman's person and the religious merit to be obtained by feeding him, paying for his education, providing money for the marriage of his daughters, endowing him with land, and so on has been an established belief in India for centuries. We find the sanctity of the Brahman firmly established in the recently discovered political treatise written in the 3rd century B. C. by the Emperor Chandragupta's Brahman prime minister, Chanakya. The king is there enjoined personally to attend to the business of the gods and of Brahmans. Brahmans possessed numberless privileges; they were exempt from torture and were liable to milder penalties than others; while even to disregard the sanctity of a Brahman's kitchen was punished by mutilation.

5. Moreover the Brahman is not only predominant by reason of the sanctity of his person but he is also intellectually supreme. His undisputed superiority in intellect is one of the most remarkable features of the situation in Southern India. Under British rule this intellectual predominance has been more than ever made clear. The Muhammadans used Brahmans to a considerable extent, but the bond of religion always secured ultimate superiority for the Muhammadan. Under our system of giving an impartial field for all religions and castes, the Brahman has easily distanced all competitors. When in the years 1893 to 1905 Deputy Collectors were selected by open competition, 15 out of 16 appointments went to Brahmans, and the 16th successful candidate was a West Coast man in whose case there was a strong presumption, owing to the peculiar social habits of that area, that he had a large proportion of Brahman blood. In the Mysore State where open competitive examinations used to be held for the public service of the State, 85 per cent. of the vacancies went to Brahmans. In the Madras Public Works Department where one appointment is given annually by competition, there have been 17 successful Brahmans in 21 appointments, a ratio of 81 per cent. Similar results

appear in all other competitive examinations in Southern India. It has long been a rule of the British Government to endeavour to secure a due representation of all castes in the public service, but in spite of all efforts the Brahman has everywhere established a marked supremacy. Out of 390 higher appointments in the Educational Department, 310 are held by Brahmans; in the Judicial Department, 118 out of 171, in the Revenue Department 391 out of 679 The same predominance exists in the legal profession and the teaching profession, the only professions freely resorted to by Indians. In the Madras Presidency the Brahman caste numbers less than 1½ millions in a population of 42 millions or 3½ per cent. of the total, yet it possesses 70 per cent of all graduates in arts, 74 per cent of the graduates in law, 71 per cent. of the graduates in engineering and 74 per cent of the graduates in teaching.

6. With such predominance in most walks of life, it is not surprising that the Brahman has easily secured control in politics. In the Madras Legislative Council there are at present ten seats filled by election by territorial constituencies. Of these ten seats, nine are filled by Brahmans and the tenth by a high caste non-Brahman Hindu No representative of the great Pariah communities (numbering ten millions) nor of the Christian community (numbering a million and a quarter) has ever sat, or would ever have a chance of sitting, for one of these constituencies. This experience strongly suggests that the political machine in the future as in the past will be under the control of the Brahmans unless special measures are resorted to to secure adequate representation of other classes.

7. Next to the Brahman *sed longo intervallo* comes the great group of Hindu castes, some higher, some lower, generally grouped together as non-Brahmans but all equally exclusive and largely antagonistic to one another. It is notorious that if a member of one of these castes attains to a position of influence he fills the offices in his gift with his fellow caste men. The Standing Orders of the Government recognize this tendency and contain directions to counteract it The joint report is not ignorant of this, for it says, "There runs through Indian society a series of cleavages—of religion, race and caste—which constantly threaten its solidarity." The distinctions of caste do not merely threaten the solidarity of Indian society; they prevent such solidarity from ever existing.

8. These distinctions have secured the support of Indian law. Mayne points out (Hindu Law, section 89) that marriage between persons of different castes, once permissible, has long been obsolete. The Allahabad High Court—to cite only one decision—has held that there cannot be a valid marriage between a Brahman and a member of another caste, even though the latter be a Rajput (I L.R, 28 Allahabad, 458). At the present moment a bill to legalize inter-caste marriage is before the Viceroy's Legislative Council, and it has been denounced in a series of articles under the heading "A new peril to Hindu Society" in the organ representing conservative Hindu opinion The barrier of caste not only prevents inter-marriage; it prohibits eating or drinking together by persons of different castes. In the large towns, this prohibition has lost its force to some extent in recent years and persons of different castes will now often eat together on public occasions. But this is mainly an apparent change, in private life the distinctions remain nearly as rigid as ever; while in the villages, and everywhere outside the few large towns, the movement towards relaxation of caste restrictions has made little, if any, progress

9. Below both the Brahmans and the Non-Brahman caste Hindus, come the low castes or more correctly the persons of no caste who number in this Presidency some ten millions of people. For convenience they may be referred to as the Panchama or Pariah community. These people are regarded, not merely as belonging to a lower class, but as conveying by their very presence an actual pollution which requires purificatory religious ceremonies. According to the *Imperial Gazetteer* (Volume I, page 326) the Pariah pollutes at a distance of 64 feet He must live in a separate village and he may not enter a Brahman street, much less a Brahman house. Only a few months ago, the manager of a large estate erected, at the instance of the high castes, public notices prohibiting the 'polluting castes' from using a public street in a municipal town. Still more recently a resolution was moved, in a Municipal Council, to prohibit the employment of a low caste employé whose duties would take him into the Brahman quarter. The Pariah is commonly excluded from the schools used by the higher castes. Under the statutes of Pachaiyappa's College, Madras, no Pariah boy may be admitted and a well-known Brahman lawyer gave it as his opinion that it would be illegal to admit even a single Christian to that institution. It is stated that there is not a single Pariah boy in the four chief Hindu educational institutions in Madras City. In the villages things are of course worse and the Pariah is frequently excluded from the village school. The Census report of 1901 says: "Children of castes regarded as unclean are not wanted in the ordinary schools either by the teachers or the other pupils, and the needs of the lower castes generally are apt to be overlooked by the subordinate inspecting officers of the educational department." Nor does this exclusion of the Pariah stop short at education It extends even to religion. At the great temple at Tanjore a board is put up at the gate with a notice in Tamil and English 'No Pariah admitted.' In the neighbouring State of Travancore several persons of the Ezhava caste have just been convicted and fined for entering the inner court of a Hindu temple and their conviction has been upheld by the Travancore High Court. Even in Madras city no Pariah would be admitted into the inner portions of the great Parthasaradhi temple. The exclusion of the low castes from places of public worship has received judicial recognition (I.L.R., 40 Madras, page 561). The

barrier dividing the Brahman from the higher Hindu castes may be to some extent broken down in course of time, but the gulf between the higher castes, (including the Brahman) and the ten millions of low castes shows little sign of being bridged.

10. The position of the low castes prior to British occupation was avowedly one of slavery. In the 18th century sale deeds of land, after enumerating fields, waters, wells, homesteads, etc., often mentioned the slaves attached to the soil as items of the property transferred. In Regulation II of 1812 a clause was inserted prohibiting the export of slaves from Malabar. In 1819 four low caste slaves were sold in public auction in satisfaction of revenue arrears. As late as 1843 the Government of India had to pass an Act laying down that "no rights arising out of an alleged property in the person and services of another as a slave should be enforced in Company's Courts" and even in 1860 it was necessary to insert a section against slavery in the Indian Penal Code. To this day the low caste labourer in some districts is referred to in current phrases as a slave. Though no longer nominally a slave, he is effectively kept in a servile position by the higher castes, non-Brahmans no less than Brahmans, who own the whole or the great bulk of the soil. These castes have, on the abolition of slavery, invented fresh methods of retaining their hold on their labourers. In the first place they set up a claim to the ownership of the labourer's house-sites and often of the hut in which he lives. By the threat of eviction they are thus able to exercise a powerful control over the low caste labourer. In addition to this they have devised a system of permanent advances under which a sum of money is given to the labourer who binds himself to work for the employer till the advance is paid off. The advance bears no interest and is seldom expected to be repaid. It continues from father to son, and the labourer—who is entirely illiterate and wholly ignorant of any legal rights—is thereby induced to work for the high caste employer at a lower wage than would otherwise be payable. He cannot leave one employer to go to another because no other employer will employ him. His one remedy is to emigrate from India It is to escape from this quasi-servitude that such large numbers of low caste emigrants make their way every year to the Straits Settlements, Fiji and the West Indies. Hence a large part of the outcry amongst the wealthier classes against emigration. For the last twenty years the landowners in the Southern districts of Madras, and especially in Tanjore, have been agitating against the free emigration of the low caste agricultural labourer. Repeated attempts have been made in 1898, 1903, 1905, 1909, 1912 and 1915 by the land-owning classes to induce the Government to lay down that no labourer shall be allowed to leave his village without a certificate that he has repaid his advances. As the low caste labourer's wage is frequently too small to enable him to repay his advance this would effectually prevent him from getting away from the quasi-servitude to which he finds himself born.

11. The position of the town-bred coolie and the factory hand is less definitely servile, because he possesses larger opportunities of changing his employment, but in other respects he is almost equally miserable or more miserable. On this point the Report of the Indian Factory Labour Commission, 1908, leaves no room for doubt. The Commission shows that in Bombay mills the average number of working hours was 13½ for 7 days a week all the year round. In 1905 when electric light was introduced for the first time in the mills, the hours of work were as a rule from 5 A.M. to 8 P.M. giving 14½ hours' actual work and in some cases even 15 hours a day for seven days a week. In the Calcutta Jute mills, the weavers were on duty for 15 hours and this was in some cases extended to from 15½ to 16 hours. The report says that "the history of the long hours movement in the Bombay mills suggests that Indian operatives are capable of remaining quiescent under conditions which would probably not be tolerated by a class of similar standing in any other country. The fact that the hours worked were grossly excessive does not appear to have struck the operatives until the matter was taken up by the Government and press." I have been personally informed by a member of the Factory Commission that the worst conditions were to be found in mills owned and controlled by Indians belonging to the higher castes.

12. The degraded position of the low caste agricultural labourer and of the low caste town labourer is closely connected with their extreme backwardness in education. The following figures from the Census report of 1911 indicate the relative position of the different castes in regard to literacy :—

	Total population.	Literate.	Illiterate.	Percentage of literates.
Brahmans	1,315,616	486,148	829,468	37·0
Non-Brahman Hindu castes	26,411,958	2,040,243	24,371,715	8·0
Outcastes	9,975,642	163,809	9,811,833	1·4
Muhammadans	2,764,467	241,522	2,522,945	9·0
Christians	1,108,515	199,487	909,028	17·0
TOTAL	41,576,198	3,131,209	38,444,989	7·5

It is evident that among all classes of the community, education is extremely backward, but the favourable position to which the Brahman has attained is very noticeable. The Brahman figures would be still better were it not for the small progress which education has made among Brahman women. In other sections of the population the literates form a more or less insignificant minority Even among Christians, only one-sixth are able to read and write.

13. The difficulty of introducing democratic institutions into a society such as this, illiterate, divided into hard-and-fast castes, with the Brahman at the top, with the various non-Brahman Hindu castes in the middle, and the low castes liable to be oppressed impartially by both, must be very great, nor does this difficulty seem to have been sufficiently realized by the writers of the joint report. Surely the first essential of any scheme of reform is that adequate safeguards should be provided for the good government of the inarticulate masses of the population. Considerable as are the disadvantages of a Government conducted by officials responsible only to some higher rank of officials, such a system would still be preferable to one in which power was entrusted to a small educated class totally out of sympathy with the subordinate sections of the population. An oligarchy of this kind would be far worse than the impartial rule of foreign officials. "We have no intention of substituting an oligarchy for the bureaucracy" say the writers of the joint report. It is necessary however to see whether they have not done so even though without any such intention, for it would be a travesty of liberal principles to surrender the 10 millions of down-trodden, non-caste people to the control of the upper castes without adequate safeguards. The feelings of the lower castes on this subject were forcibly expressed in the address presented in December last by the representatives of the Pariah community to His Excellency the Viceroy and the Secretary of State which said, "We shall fight to the last drop of our blood any attempt to transfer the seat of authority in this country from British hands to so-called high caste Hindus who have ill-treated us in the past and would do so again but for the protection of British laws" Is it wise to entrust the happiness and progress of the down-trodden and illiterate Pariah and Panchama community, or even of the ill-educated and politically backward non Brahman Hindu castes, to an assembly in which the majority will probably be largely composed of and controlled by Brahmans and will in any case be drawn from the literate community representing only about 7·5 per cent. of the population ? Is there here a sound basis for democratic institutions, and is it likely that such a scheme will guarantee "ordered progress for India as a whole"?

---

(2) Note of a discussion with the Governor of Madras in Council, held at Madras on the 22nd January 1919.*

The Franchise Committee met the Governor of Madras (His Excellency the Right Hon'ble Lord Pentland, P.C., G.C.S.I., G.C.I.E.), and the Members of his Executive Council (The Hon'ble Sir A. G. Cardew, K.C.S.I., The Hon'ble Diwan Bahadur P. Rajagopala Achariyar, C.I.E., and the Hon'ble Mr. L. Davidson, C.S.I.).

His Excellency said that the local Government were anxious to assist the Committee, but that, as they were opposed to dyarchy, they had found it difficult to arrive at definite conclusions on all the points referred for their advice.

The following questions were then discussed :—

1. If excluded tracts are to be administered by the Legislative Council, whether any representation is required for such tracts by nomination and, if so, what.

His Excellency said that the laws passed by the Madras Legislative Council already applied to these excluded tracts, and that hitherto, whenever legislation relating to them was under consideration, they had nominated members for the purpose. They proposed that this power of nominating extra members, probably not more than two in number, should be retained.

2. The question of increasing the electorate by lowering the proposed property qualification in either rural or urban areas, or in both. In particular, a proposal to lower qualifications (a), (b) *and* (c) *of the Taluk Board franchise from a standard of Rs. 30 rent or revenue to* (a) *Rs. 20 or* (b) *even Rs. 10.*

Sir Frank Sly said that there was a body of evidence in favour of making the franchise broader than was proposed by the local Government. According to their scheme, ·8 per cent. of the population would get the vote, whereas elsewhere the percentage went to 1 or 2 per cent. or even higher.

His Excellency said that the local Government preferred their original proposal. For reasons which were general and not peculiar to the Madras Presidency, they considered that there would be great difficulty in enlarging the electorate as proposed. There would be difficulties with illiterate voters, in bringing the voters to the polling stations, and in obtaining an unprejudiced staff in sufficiently large

* The notes of the discussions with the various local Governments contain the substance of the views expressed. They do not purport to be a complete record of all that was said in the course of a lengthy discussion.

numbers. On the present franchise, which it was proposed to lower, only 42·4 per cent. of the voters had taken the trouble to record their votes in rural areas.

Lord Southborough said that the Committee were enjoined by their terms of reference to devise an electorate on the widest possible basis and that they would like to know whether the local Government could manage the elections on a Rs. 20 or Rs. 10 basis.

His Excellency said that in the opinion of the local Government their scheme would give a truer index of public opinion.

3. The possibility of utilising cess payment as a qualification for voters of the status of tenants in permanently settled estates.

Sir Frank Sly said that it had been represented to the Committee that there was no adequate record in permanently settled tracts, and the suggestion had therefore been made that the cess should be adopted as a basis of the franchise instead.

His Excellency said that there was no accurate register of holdings in the permanently settled districts. He read the Committee a statement* explaining why it would be impossible to adopt cess as a basis for the franchise.

4. The addition as a general franchise qualification of the payment of income tax for the urban area as well as the rural area.

His Excellency said that the local Government accepted this proposal.

5. The lowering of the proposed graduate qualification to non-student matriculates. The addition of the similar qualification for urban as well as rural areas.

His Excellency said that the local Government did not approve of giving votes to matriculates as such and indeed were opposed to giving votes on any purely educational qualification. They would like to modify their scheme by omitting the graduate qualification in rural areas.

6. The definition of (a) *European,* (b) *Anglo-Indian for the purposes of the proposed communal electorates.*

His Excellency said that a European might possibly be defined as a person of pure European blood on both sides, and an Anglo-Indian as a person of mixed European and Indian blood, but there were difficulties in adopting these definitions, particularly the latter.

Lord Southborough said that the Committee would probably have to fall back on nomination in the case of Anglo-Indians.

7. The question of communal representation for non-Brahmans. As an alternative to separate representation by a communal electorate, (a) *the reservation of seats in plural constituencies for the non-Brahmans, or* (b) *limiting the number of Brahman seats in plural general Hindu constituencies.*

His Excellency said that in the opinion of the local Government the non-Brahmans would not be satisfied with any thing less than communal electorates. If, however, this was not allowed, the local Government would prefer alternative (*b*) to alternative (*a*).

8. As an alternative to communal representation by separate electorates the reservation of seats for Indian Christians in plural constituencies.

His Excellency stated that the local Government did not think this alternative practicable.

9. The claim on behalf of Oriyas for separate communal representation.

His Excellency stated that the Oriyas were chiefly to be found in Ganjam, where they would have considerable voting power. Regard must be had to their claims in settling the boundaries of the constituencies in this district, and if this was done, they would have more than a fair chance of securing a seat.

10. The advisability of continuing a separate electorate for large landholders other than zamindars.

Lord Southborough said that in other provinces the Committee had been at some pains to discover how far the landholders to whom it was proposed to allow separate representation constituted a separate class.

---

* *Vide* page 130.

His Excellency said that the local Government inclined to the view that representation had already been given to the wealthier class of raiyats and that they should not now be deprived of it.

Mr. Rajagopala Achariyar said that the large class of Janmi proprietors in Malabar undoubtedly constituted a separate class, with interests very different from those of the tenants under them. They were like the zamindars, except in so far as their revenue had not been permanently settled. They already had a special seat.

His Excellency said that the other two seats reserved for landholders other than zamindars were at present used for the representation of raiyats of the wealthier class in the north and south of the Presidency

11. The question of adhering to the agreement of the Congress-Moslem League in fixing the amount of representation for the separate Muhammadan electorates both in the Provincial Legislative Council (i.e., *15 per cent.*) *and the Imperial Legislative Assembly* (i.e., *one-third*). *Also whether this should also be extended to the proposed Council of State.*

His Excellency said that the Muhammadan representation which they proposed was in their opinion sufficient. The number they proposed had been arrived at on the merits of the case without regard to the Congress-Moslem League compact.

Lord Southborough said that the Committee were not bound by the compact, but, if they decided to accept it, they must accept it for India as a whole and this might make it necessary for them to alter the proportion of Muhammadan representation in the local Government's scheme.

12. Whether the University electorate should be extended to include registered graduates as well as members of the Senate and Honorary Fellows. As an alternative to provide a separate electorate of graduates with special seats.

His Excellency said that the local Government would prefer that the existing rules should be retained. In their opinion the alternative proposal of a separate electorate for graduates should also be rejected.

13. The system under which a joint electorate would be constituted for the Chambers of Commerce of Cocanada, Tuticorin and Cochin.

His Excellency said that before constituting a joint electorate for the Chambers of Commerce at Cocanada, Tuticorin and Cochin, the local Government would have to consult the Chambers concerned. Apparently those at Calicut and Tellicherry had been omitted, but they also should be considered. There would be no difficulty in making rules for the purpose.

14. A proposal to include the Mufassal Chamber of Commerce or any other association (e.g., *Piece Goods Merchants or Skin and Hide Merchants, Vizagapatam Chamber of Commerce*) *for the representation of Indian commerce.*

Mr. Rajagopala Achariyar said that many members of the Piece Goods and Skin and Hide Merchants Associations belonged to the Southern India Chamber of Commerce and all of them could join it.

His Excellency said that the local Government would hardly be prepared to agree that these Associations were sufficiently represented through the Southern India Chamber of Commerce. Their view would rather be that they, as well as the other mufassal Indian Chambers of Commerce, should be combined in one electorate with the Southern India Chamber.

15. A proposal for the separate representation of Indian planting interests.

His Excellency said that the local Government would be opposed to the separate representation of Indian planters, partly because they had not sufficiently large interests and partly because he believed that Indian planters could join the United Planters' Association.

16. An increase in the proposed urban constituencies either by adding a few other large towns or by grouping some other municipal towns as separate urban constituencies.

His Excellency said that Calicut, with a population of about 70,000, and Tinnevelly and Palamcottah, with a combined population of about 80,000 might be constituted into separate urban constituencies.

17. A proposal to alter the proposed grouping of Muhammadan constituencies.

His Excellency said that the local Government were unwilling to accept Sahibzada Aftab Ahmed Khan's suggestion that a Muhammadan constituency should be formed of the Madras and Chingleput districts, with 2 seats, one being taken from the two seats allotted to group No. 2. The ceded districts comprised in group 2 in Schedule XI of Scheme A were backward tracts, and they contained a large Muhammadan population with strong Muhammadan opinion and a number of ancient families, and the local Government wished to give full representation to them.

18. An increase in the proposed number of nominated official members in order to meet the requirements of the Grand Committee or the addition of experts or otherwise.

19. An increase in the proposed number of members of the Legislative Council in order to meet any of the above suggestions.

His Excellency said that the local Government had no objection to either of these two proposals in so far as they applied to suggestions that had been received by the local Government.

20. The proposed residential qualification for (a) *voters and* (b) *candidates.*

His Excellency said that in the opinion of the local Government a residential qualification should be imposed both for voters and candidates, in order to obtain the maximum of local connection in both cases. In the case of voters there should be some fixed period of residence. The existing restrictions, which it was proposed to maintain, had been imposed as the result of experience.

21. The proposals of the local Government in respect of (a) *the Indian Legislative Assembly and* (b) *the Council of State, under* (*1*) *Scheme A and* (*2*) *Scheme B.*

His Excellency promised that the local Government would prepare a note containing their views with regard to the Legislative Assembly and the Council of State and forwarded it for the information of the Committee.

The note referred to in the answer to question No. 3.

In zamindari areas the Collector recovers the total amount of the cess due on the estate from the proprietor, who is entitled to recover half the amount paid by him from his tenants. To enable the Collector to fix the cess payable by the proprietor, the Madras Local Boards Act, 1884 (section 65) empowers him to require "every proprietor to furnish him with an accurate list of the lands held by him whether occupied by tenants or by himself, specifying in each case the annual rent value of the land so occupied." This return is usually prepared for whole villages or parts thereof and does not give details in regard to each tenant's holding. As a matter of fact there is no accurate register of holdings in most estates. The Collector does not concern himself with, and has do data for checking, the manner in which the zamindar distributes half the cess among individual tenants. As a basis therefore of a franchise to be conferred on rent-paying tenants cess-payment in zamindari areas is valueless.

---

(3) Letter No. 45, dated the 6th February 1919, from the Government of Madras, to the Government of India (Home Department), with Appendix, regarding the representation of the Madras Presidency on the Indian Legislative Assembly and the Council of State.

In continuation of the Hon'ble Mr. Todhunter's letter No. 1146, dated the 31st December 1918, on the subject of the franchise and the resulting electorates and constituencies for the Provincial Legislative Council under the Reforms Scheme, I am directed to address you on the representation of the Madras Presidency on the proposed Indian Legislative Assembly and the Council of State.

2. I am in the first place to say that the proposals now put forward are subject to the qualifications already communicated in that letter in so far as they affect the present question.

3. As regards the Indian Legislative Assembly, paragraph 274 of the report allots eleven elected members to this Presidency. Paragraph 273 of the report contemplates the representation of commerce and the large landlords and also communal representation for Muhammadans. Allotting one seat to the Madras Chamber of Commerce and one to the planting industry of this Presidency and two seats to the Muhammadan community, three more seats will be required adequately to represent the large landholders, namely, two seats for the holders of permanently settled estates and one for the large landholders of Malabar and South Kanara who, though not holding under permanent settlements, yet form a large and influential class with distinct interests. For the representation of general or residuary electorates at least five seats will be necessary, namely, two for the northern or telugu part of the Presidency, two for the southern or tamil part, and one for the west coast area. Thus twelve seats in all are required, and His Excellency the Governor in Council recommends that provision should be made accordingly. A scheme showing the electorates and constituencies for the election of these twelve members is worked out in the appendix to this letter.

4. Under the proposals in paragraphs 273 and 274 of the report eleven seats will be reserved for the nomination of non-officials representing minority or special interests. His Excellency the Governor in Council considers that this Government should be allowed to have a voice in recommending the nomination of non-officials to represent interests failing to gain representation under the scheme now submitted. As regards official members, His Excellency the Governor in Council presumes that two of the official members of the assembly will be appointed from this Presidency.

5. Coming to the Council of State, His Excellency the Governor in Council proposes that the two members to be returned by the non-official members of the Provincial Legislative assembly should be elected by the non-official members as a body ; each member should have two votes and be able to give both his votes to one candidate. His Excellency the Governor in Council has no suggestions to make as regards the qualifications of candidates.

6. To supplement the representation which the Muhammadans and the landed classes will otherwise secure and to provide for the representation of the Chambers of Commerce the report proposes the reservation of six seats to be filled up by election. His Excellency the Governor in Council is unable to devise any practicable scheme of election for these six seats that would secure the objects in view. He therefore recommends that these should be filled by nomination. Having regard to the size and importance of this Presidency His Excellency the Governor in Council considers that he should be given the nomination of one of these six seats to supply the representation of this Presidency in any respect in which it may be found deficient. Of the twenty-five official seats (including the members of the Executive Council), two may be allotted to this Presidency.

APPENDIX.

A scheme for the election of twelve members to represent the Presidency of Madras in the Indian Legislative Assembly.

These twelve members shall be elected as follows :—

(i) By the non-official members of the Provincial Legislative Assembly—five members.
(ii) By the zamindars of the Presidency and the landholders of the west coast—three members.
(iii) By the Muhammadan community in the Presidency—two members.
(iv) By the Madras Chamber of Commerce—one member.
(v) By the Planting community—one member.

(i) *The non-official members of the Madras Legislative Council.*—Of the five members, two shall be chosen from among the elected representatives on the Provincial Legislative Assembly from the northern part of the Presidency, two from among the elected representatives on the Provincial Legislative Assembly from the southern part of the Presidency, and one from among the elected representatives on the Provincial Legislative Assembly from the western part of the Presidency. The above elections shall be by all non-official members whether elected or nominated, of the Provincial Legislative Assembly. A member of the Provincial Legislative Assembly shall, on election to the Indian Legislative Assembly, vacate his seat on the Provincial Legislative Assembly which shall be filled up by the constituency concerned electing a member in his place to the Provincial Legislative Assembly in accordance with the Regulations.

(ii) *The zamindars in the Presidency and the landholders of the west coast.*—The qualifications of electors and candidates shall be those proposed in the case of the Provincial Legislative Assembly, namely, possession of an annual income of not less than Rs. 3,000 derived from an 'estate' or receipt of a malikhana allowance of the same amount, in the case of the zamindari seats; and possession of an annual income of not less than Rs 1,000 from lands not forming an 'estate' in the case of the seat assigned to the landholders of the west coast.

Two members shall be elected by the *zamindars*—one for the northern group and the other for the southern group.

The northern group shall consist of the districts of Ganjām, Vizagapatam, Gōdāvari, Kistna, Guntūr, Nellore, North Arcot, Chittoor, Cuddapah, Kurnool, Bellary and Anantpur.

The southern group shall consist of the districts of Madras, Chingleput, Salem, Coimbatore, South Kanara, Malabar, The Nilgiris, South Arcot, Tanjore, Trichinopoly, Madura, Ramnad and Tinnevelly.

The number of electors in the northern group would be 132 and in the southern group 151.

The third member shall be elected by the landholders in Malabar (including Anjengo and Tangasseri) and South Kanara. The number of electors according to the latest rolls on these qualifications is 446.

(iii) *By the Muhammadan community.*—The qualifications of electors and candidates shall be those now prescribed for the Imperial Legislative Council. The election shall be made by all Muhammadans qualified to vote and having a residence in the Presidency of Fort St. George who—

(*a*) are landholders possessing an annual income from land situated in the Presidency of Fort St. George of not less than Rs. 3,000, or

(*b*) have during the previous financial year, paid income-tax on an income of not less than Rs. 6,000, or

(*c*) are members of the Legislative Council of the Governor of Fort St. George, or

(*d*) are ordinary or honorary Fellows of the University of Madras, or

(*e*) are holders of any title conferred or recognized by the Government or are members of the Order of the Star of India or the Order of the Indian Empire or holders of the Kaisar-i-Hind Medal, or

(*f*) are in receipt of pensions of Rs. 15 per mensem and upwards for service as gazetted or commissioned officers of Government.

The following groups shall elect one member each :—

Group (1).—Ganjām, Vizagapatam, Gōdāvari, Kistna, Guntūr, Nellore, Cuddapah, North Arcot, Chittoor, Kurnool, Bellary, Anantpur and the Madras City.

Group (2) —Chingleput, Salem, Coimbatore, South Arcot, Tanjore, Trichinopoly, Madura, Ramnad, Tinnevelly, Malabar, South Kanara and The Nilgiris.

The first group would have 311 voters and the second 223.

(iv) *By the Madras Chamber of Commerce.*—The Madras Chamber of Commerce shall elect a member in accordance, as far as may be, with the Regulations for the Provincial Legislative Assembly.

(v) *By the Planting community.*—The United Planters' Association of Southern India shall elect a member in accordance, as far as may be, with the Regulations framed for the Provincial Legislative Assembly.

II.—BOMBAY.

PAGE.

(1) Note prepared by the Government of Bombay for the consideration of the Franchise Committee 135

(2) Note of a discussion with the Governor of Bombay in Council, held at Bombay on the 31st January 1919 149

(3) Demi-official letter No. 226, dated the 3rd December 1918, from Lord Southborough to Mr. L. C. Crump, I.C.S., officer on special duty in the Bombay Secretariat, and Mr. Crump's reply No. 362, dated the 6th December 1918, regarding a system of direct election to the Indian Legislative Assembly 153

(1) Note prepared by the Government of Bombay for the consideration of the Franchise Committee.

SCHEME FOR THE BOMBAY LEGISLATIVE COUNCIL.

I.—General Considerations.

Sind and the Presidency Proper must to a large extent be dealt with separately. They are not coterminous and conditions are very different. In Sind there is a Mussalman majority and exact contrary is the case in the Presidency Proper. The only question of a communal nature peculiar to Sind is the Hindu-Mussalman question. In the Presidency there are other local questions. There are claims put forward on behalf of the Marathas and Lingayets and other sections of the Hindu community. The question of European representation concerns the whole area of both Sind and the Presidency.

Presidency.

Hindus	14,082,841
Mussalmans	1,297,443

Sind.

Hindus	837,426
Mussalmans	2,689,929

2. The Presidency itself falls naturally into certain divisions according to the problems presented. In the Northern Division there is no local question of a communal nature. The Maratha question is mainly confined to the Central Division : the Lingayet question practically to the Southern alone. The Marathas and Lingayets are the two principal homogeneous bodies which can be localized. This appears from the figures in Statement No. II. The Depressed Classes are not defined or homogeneous. They are spread all over the Presidency Proper. The same is largely true of the Indian Christians.

3. Communal representation may be allowed to the Mussalmans. The question is what representation should be conceded. Should it be based on population or on the Congress League scheme ? In this scheme the latter alternative has been adopted.

4. The European community is one of the most important in the Presidency. On mere numbers it would not be entitled to representation. On other grounds no scheme can be regarded as complete which leaves it unrepresented. As it must be represented the question is how this can best be done. Nomination is an unsatisfactory device in the case of a community which is politically the most advanced in the Presidency. Such a community above all others should elect its own representatives. The question therefore is what is the best method of election. The general principle, here as elsewhere, is how can the fairest representation be secured. It is most unlikely that European candidates would be returned by a general electorate. Therefore recourse must be had to special electorates. Two methods suggest themselves. The first is election by commercial bodies according to the existing practice. The second is by communal electorates. European interests are not solely commercial. The second method is therefore advocated as securing the fairest representation. Whether the Chambers of Commerce should continue to return members depends on the general question as to whether commercial interests as such ought to be represented. In the view taken as to European representation they have no claim to return members as representatives of purely European interests. There is practically a choice of evils. Either communal electorates must be conceded in this case which no doubt adds strength to the demand in the other cases, or representation must be allowed through commercial bodies which is regarded as of doubtful policy for reasons set out below. This Government prefers the former alternative.

5. The only other community whose claims to communal representation require to be considered are the Marathas. In favour of the Marathas it may be urged that the arguments adduced on the question of the Sikhs in paragraph 232 of the Report are applicable almost in so many words to the Marathas—that they form a large majority of the population in many districts (see

Statement No. II) and that they are so subject to Brahmin influence that, even where they command a majority of votes, they will be unable to return their own representatives. At the same time their numbers and importance make it desirable that they should be represented. This representation can only be secured either by communal electorates or by reserving seats for them in general electorates as suggested in paragraph 232 of the Report, or by some similar device. It is feared that there may be serious discontent if the aspirations of the Marathas are not met in some way.

The second view is that in no case is it expedient to allow communal or separate representation to sub-sections of the Hindu community. That community should be regarded for election purposes as a whole. And the considerations which make it expedient to give separate representation to a distinct community such as the Mohammadans have no place in considering the question of the Marathas. In addition reliance is placed on the arguments adduced in the Report against communal representation. It is suggested that by combining districts where the Maratha population preponderates so as to form three-member or four-member constituencies the Marathas with the advantage of the cumulative vote will be able to return their own representatives.

The third view is also adverse to conceding any special representation to the Marathas. It is based largely on considerations of practical difficulty. In the first place it is felt that it will be extremely difficult to define the term "Maratha" for the purposes of an electoral Roll. In practice there is considerable uncertainty on this point. More particularly is it difficult to distinguish between the Maratha and the Kunbi. The position is illustrated by the details given in Statement No. III. Further it is felt that so far as definition is possible the Marathas have in certain Districts sufficient voting strength to return their own representatives. It is proposed to have two members per District so that any minority which can command one-third *plus* one of the total votes will be able to return a member. Further if cumulative voting is permitted as is proposed the advantage of a solid minority is increased owing to the probability that votes in other cases will be split. The point is illustrated by the following figures for combined Local Board and Municipal voters :—

District.	Maratha voters.	Total voters.
East Khandesh	10,479	15,182
Ahmednagar	5,424	13,429
Satara	6,479	13,752

In these Districts on this franchise a solid Maratha vote would secure the return of at least three members, and there are other Districts where they would stand a good chance in open elections. It is not probable that any franchise which may finally be settled will be less favourable to this community.

These conflicting views are laid before the Committee for their consideration.

6. In respect of other communities including what are termed the "Depressed classes" no form of special representation is advocated. Speaking subject to any views which may be put forward by witnesses such communities either have not put forward any strong plea for such representation and are able to take their chance on general electorates (*e.g.*, the Parsis), or they are too small and scattered to enable satisfactory electorates to be devised. The position is illustrated by the figures in Statement No. II. As to the "Depressed" classes there is also the same difficulty of definition. Further it would be very difficult, if not impossible to devise electorates of sufficient intelligence, or to secure properly qualified candidates. It is better in such cases to have recourse to nomination.

7. The representation of commercial interests has been alluded to in paragraph 4 above. The point is not free from uncertainty and there is again a conflict of views, which are set out below for the consideration of the Committee.

The first view is that commercial interests are so important as to justify their special representation and this can only be adequately secured by the election of members on behalf of Associations. It is felt that without constituencies of this nature there is a danger that the interests of commerce will not be safeguarded. It is therefore held that the existing commercial constituencies should be maintained and that in addition to this the Cotton Exchange should be added as a constituency qualified to return a member.

The second view is that as far as possible the representation by special interests should give way to direct elections on a territorial basis. It is held that the English practice should be followed. And there is no special justification for the representation of commercial interests as compared with any other interests. Stress is laid on the history of the existing representation by commercial bodies. These constituencies were devised as part of the Morley-Minto Reforms and were no more than a temporary expedient as it was difficult then to devise any constituencies. The Chambers of Commerce are small bodies with a very limited number of voters (see Statement No. 1*). They do not fully represent commerce as they do not include all firms. The constituency styled "the Indian commercial community" includes two bodies only. There are many other bodies of equal importance which are excluded. This constituency as also the two mill-owners Associations are very limited in numbers. Therefore apart from the strong objection which is entertained to the representation of commerce as such, which it is believed, is unknown to other systems of parliamentary election, the existing basis of representation is wholly unsatisfactory.

The third view is also against any system of representation by Associations, whether commercial or other, including Municipalities and Local Boards. These are held to be in the nature of "pocket boroughs" which should now give way to a broader system of representation. The importance of commercial interests is however conceded, and it is felt that any device which could secure their representation would be admissible. A constituency of Income Tax payers is suggested as a possible means of securing this end. For a fuller exposition of this point of view reference is invited to a speech by the Honourable Sir Ibrahim Rahimtoola in the Bombay Legislative Council on July 30th, 1913.

The majority is thus against the existing system of representation, and the following existing constituencies are therefore not maintained :—

(1) The Bombay Chamber of Commerce.
(2) The Karachi Chamber of Commerce.
(3) The Mill-owners' Associations of Bombay and Ahmedabad.
(4) The Indian Commercial community.
(5) The Municipal Corporation of Bombay.

8. It is proposed to follow the principle laid down in paragraph 232 of the Report, and to give representation to three classes of large landholders, *viz.*:—

(1) The Jagirdars and Zamindars of Sind.
(2) The Sardars of the Deccan.
(3) The Sardars of Gujarat.

They already enjoy the right of representation, and the first two have considerable historical and political importance. All three form distinct classes.

9. It is proposed to maintain and increase the representation of the University following the precedent set by the Reform Act, 1918.

II.—The Constituencies.

10. It is proposed that the Council should consist of 125 Members, of whom four-fifths, *viz.*, 100, should be elected.

The details are as follows :—

26 Districts returning two members each	52
6 Cities returning eighteen members	18
Muhammadans	18
Sind Hindus	3
Europeans	4
Bombay University	2
Sardars of the Deccan	1
Sardars of Gujarat	1
Zemindars and Jahagirdars of Sind	1
	100

If however it is determined to maintain the representation of commercial interests (see paragraph 7) the city members will be reduced accordingly.

* Not printed in this Appendix The number of members of the Bombay Chamber is given as 127 and that of the Karachi Chamber as 56.

Of these members 21 represent exclusively urban interests, *viz.*, the 18 city members and 3 of the Muhammadan members (see paragraph 14). The proportion of the urban to the non-urban population is shown below :—

Total population	19,626,477
Urban population	3,692,406

11. The representation of the districts is on the basis of two members per district irrespective of population. The population test fails because it gives a larger representation on the whole to backward areas. On that basis Ratnagiri with a population of 1,200,000 odd would get four times the representation of Broach with a population of 306,000. Ratnagiri is a poor district which is not self-supporting. The bulk of the population are labourers and cultivators. Broach is wealthy and intelligent. It is not possible to avoid inequalities. After considering the various possibilities it is thought that the simplest and best solution is to treat all districts alike and allow two members per district. If the number of voters on an equal franchise be taken as the basis similar abnormalities will be found. A franchise based on the following qualifications has been investigated (see Statement No. VIII) :—

(1) Payment of Rs. 16 assessment or an equivalent rent.

(2) A yearly income of Rs 250 and over.

(3) The possession of immoveable property worth Rs. 2,500.

This gives 78,000 odd voters in East Khandesh as against 15,000 odd in Ratnagiri. On that basis East Khandesh with a slightly smaller population would get 5 times as many members. It can hardly be doubted that any franchise which can be devised would give the same result. If the qualification is varied per district the number of voters ceases to furnish any test. It does not seem practicable to endeavour to assess the representative value which should be assigned to each district on a consideration of the various factors such as population, wealth, education, etc.

Urban Constituencies.

12. It is proposed to give representation to the following towns or cities on the following scale :—

		Population.
Bombay City	11 Members	979,445
Karachi	2 Members	174,892
Ahmedabad	2 Members	216,777
Poona	1 Member.	158,856
Surat	1 Member.	111,868
Sholapur	1 Member.	61,345
	18	

If commercial interests are to be represented a reduction should be made in these cities where such representation is given.

13. The special importance of Bombay requires that the representation should be out of proportion to the population. The city has now probably 1,200,000 inhabitants; it is the capital of the Presidency and a place of Imperial importance. In the existing Council there are, excluding the University, five members representing Bombay interests. The increased representation will make up for the elimination of the two commercial constituencies. As regards the other cities no special comment is necessary.

Muhammadan representation.

14. The 18 Muhammadan Members will be returned by the Muhammadans of the Presidency Proper voting in their own electorates. There will be no special Muhammadan electorates in Sind. The Sind Hindus will vote in their own special electorates only. The result is that no Hindu in Sind can vote in or stand for the 14 District constituencies, which therefore will almost invariably

return Muhammadans. In practice therefore the Muhammadans will have 32 seats. The distribution is as follows :—

Bombay City	1,79,246
Northern Division	3,42,696
Central Division	3,67,509
Southern Division	4,57,997

It is proposed to distribute the seats as follows :—

Bombay City	4
Northern Division	5
Central Division	5
Southern Division	4
	18

Sind Hindus.

15. For the three seats allotted to Sind Hindus there will be one constituency only, *viz.*, the province of Sind excluding the City of Karachi.

Europeans.

16. The European British subjects number 26,937 of whom 16,131 are in Bombay City and 5,420 in Sind. It is suggested that 3 members be elected by the Presidency Proper as a whole and one by Sind.

III.—Nominated Members.

17. It is proposed to nominate 25 members. No fixed proportion of officials to non-officials should be laid down. These seats should be filled up to provide the necessary expert knowledge and to provide for the representation of important minorities or interests. As these needs will vary from time to time it is preferable to leave considerable discretion in nomination which cannot be done if any fixed proportion is prescribed. In this connexion the constitution of the Grand Committee as laid down in paragraph 252 of the Report has been considered. The view of this Government is that this procedure is too cumbrous to be acceptable, and as the whole Report is expressed to be open to criticism (*vide* paragraph 392) they have formulated an alternative scheme to safeguard certificated legislation which is briefly that a measure should be carried if it commands the votes of 40 per cent. of the Council. It is felt that possibly the Committee may consider a suggestion of this nature to be outside the scope of their enquiry. If so, this Government find it impossible to make any recommendation which is strictly within the four corners of the Report. The difficulty is that in order to safeguard certificated legislation it would be necessary to nominate some 18 officials, a number which is unnecessarily large on other grounds, and would seriously curtail the number of nominated seats available for other interests. The alternative is to increase the nominated element. Neither of these courses commend themselves to this Government. It will be observed that the Report speaks of the Grand Committee as comprising "from 40 to 50 per cent. of the strength of the Council." It does not appear that these are intended to be rigid limits which cannot be varied. It has therefore been suggested that the difficulty may be met by reducing the proposed percentage to 30. This would give a Grand Committee of 45 members and a nominated majority of 23 could be provided without overloading the Council with nominated official members. The Government of Bombay are not unanimous as regards the merits of this suggestion, but can put forward no other way out of the difficulty if this Grand Committee is to be retained.

IV.—Electoral Law and Procedure.

18. Generally this Government approves of the views set out in the accompanying Note on this subject and considers that the existing machinery can be adapted to meet the new conditions. Certain points under this head remain to be stated. As to plural voting this Government suggest the following rules.

(1) A person may vote in any electorate for which he is qualified provided that—

(a) No person may vote in more than one District, or in more than one City, or in both a City and a District.

(b) No person qualified to vote in a communal electorate shall vote in any City or District electorate.

(2) Where a person is qualified to vote in more than one District or in more than one City, or in both a City and a District, he shall exercise his option as to the electorate in which he will record his vote.

As to the question whether women should be disqualified by reason of their sex this Government is equally divided. The controversy is thought to be too familiar to require discussion, but there is some public demand for female suffrage as is illustrated by proceedings in the Legislative Council and the Bombay Corporation.

V.—The Legislative Assembly of the Government of India.

19. As to the election of members from this Presidency to the Legislative Assembly of the Government of India the following views have been expressed :—

(1) So far at least as general electorates are concerned, in the opening stages of the experiment indirect election should be the rule. To introduce a new electorate would require another set of registers with machinery for hearing objections and recording votes. The elections to the Provincial Council will sufficiently tax the officials who will have to carry them out and the public will not readily be brought to understand the distinction between the two sets of elections. Indirect election in the past has been satisfactory and with the increased Legislative Council the basis of election will be wider. As regards Muhammadans also indirect election is preferable in the first instance. They should have four seats.

As to commercial interests, if the Chamber of Commerce retains the right of election to the Provincial Council, it should also have the right of election to the Legislative Assembly. If not, there should be a communal electorate for Europeans returning one member. Or possibly both methods might be adopted and two members returned, one by each method.

Landholders as a body should be allowed to elect one member, and if there is another seat available it should be filled up by the University by the votes of the fellows and graduates.

(2) Indirect election is preferable, but if there are to be direct elections the following representation is suggested :—

Bombay City	2
Karachi City	1
Ahmedabad	1
Poona	1
Muhammadans of Bombay City	2
Sind Jahagirdars	2
Europeans general	1
Chamber of Commerce	1

The franchise for the City electorates and the European general electorates should be the payment of income tax on an income of Rs. 2,000 and over.

(3) Direct elections should be the rule. Pocket boroughs of the kind we have had in the past should be done away with. There should be direct elections for both Muhammadans and the general public with a uniform qualification.

The following distribution of seats is suggested

Muhammadans Bombay City	1
,, N. D.	1
,, C. D.	1
Sind Jagirdars	1
Europeans	1
Bombay City	2
Karachi	1
Ahmedabad and Surat	1
Poona and Sholapur	1
Belgaum and Dharwar	1

VI.—The Council of State.

20. As regards Muhammadan representatives on the Council of State it is suggested that the size of the electorate required should be first determined. It can then be formed on the following basis—

(i) Payment of income tax, or

(ii) Payment of land revenue.

There is no difficulty in devising an electorate on these lines.

21. As regards an electorate representing the Presidency in general, this Government finds a difficulty in making any definite suggestion. It is easy enough to suggest a qualification which would secure a reasonable body of electors. There are for instance 3,653 persons holding 500 acres and over of land. But this electorate would mean that the electors in Sind would sweep the board, and whatever qualification of the kind is suggested either Sind or the Presidency Proper as the case may be would have the preponderating voice.

STATEMENT No. II.

Statement of population based on the decennial census of 1912.

Districts.	Mussalmans	Marathas	Jains	Indian Christians	Zoroastrians	European British subjects.	TOTAL POPULATION.
1	2	3	4	5	6	7	8
Bombay City	179,346	231,924	20,460	23,000	50,931	10,131	979,445
Northern Division							
Ahmedabad	92,018	1,791	35,899	3,553	1,639	296	827,809
Broach	67,752	1,187	6,044	1,051	2,770	45	306,717
Kaira	63,280	181	6,609	23,484	81	52	691,744
Panch Mahals	22,273	430	2,502	1,790	204	29	322,695
Surat	55,394	2,645	9,821	1,004	11,783	68	654,109
Thana	41,979	51,512	4,615	42,740	5,105	422	882,309
Central Division							
Ahmednagar	47,959	280,719	15,284	23,566	222	1,243	945,305
Khandesh, East	99,521	27,441	9,361	608	371	354	1,034,886
Khandesh, West	31,323	13,553	3,796	566	233	15	580,723
Nasik	47,705	96,088	7,902	1,423	840	1,104	905,030
Poona	48,936	370,998	11,731	6,709	2,695	5,205	1,071,512
Satara	36,088	557,438	14,833	763	309	276	1,081,278
Sholapur	55,377	244,467	7,643	1,382	334	197	768,330
Southern Division.							
Belgaum	77,075	182,770	41,533	5,220	159	1,633	943,820
Bijapur	101,069	22,994	565	1,050	28	22	862,973
Dharwar	136,943	50,772	10,413	4,496	218	290	1,026,005
Kanara	28,731	48,759	339	16,663	14	38	430,548
Kolaba	28,876	156,760	1,283	684	303	91	594,166
Ratnagiri	85,303	289,317	3,336	4,503	46	16	1,203,638
Cities.							
Ahmedabad	45,282	(Not available)	16,086	(Not available.)	1,426	(Not available.)	216,777
Poona	20,052		3,379		2,158		158,856
Surat	24,345		3,906		5,458		114,868
Sholapur	14,338	Do.	638	Do.	291	Do.	61,345

Statement of population based on the decennial census of 1912—contd

Districts.	Mussalmans.	Hindus.	TOTAL.
Sind.			
Hyderabad	781,219	245,941	1,037,144
Karachi	396,384	111,521	521,721
Larkana	557,517	101,651	660,879
Sukkur	414,671	155,031	573,913
Thar and Parkar	254,218	196,787	456,771
Upper Sind Frontier	235,970	26,495	263,007
City of Karachi	66,038	74,075	151,903

STATEMENT No. III.

Statement showing distribution of Marathas and allied castes.

The consideration of the claim of the Marathas to communal representation is complicated by the fact that the term "Maratha" is very loosely used. There are a number of castes which are closely connected with the Marathas proper. Of the castes in these Tables the Marathas and the Kunbis in *the Deccan* alone intermarry, but all in the list dine together.

The term Koli in the list represents Mahadev and Malhar Kolis. The former are found mainly in the valleys in the east slopes of the Sahyadris from Mulshi in the south-west of Poona north to Trimbak in Nasik. They are, in most places, indistinguishable from Maratha Kunbis with whom they eat and who in some places eat with them. Malhar Kolis, also called Panbharis, Chumlis and Kunum Kolis, are found in almost every village in the Deccan and also in Bombay City and along the Thana coast. In the list, Kolis are not shown under Bombay City or Thana, because the bulk of the Kolis in these places are fishermen and have no relations of any kind with the Marathas.

List of Marathas and allied castes.

Name of caste.	District.															Grand Total	
	Bombay City. (Total population 979,445.)	Thana. (Total population 882,909.)	Ahmednagar. (Total population 945,305.)	Khandesh, East. (Total population 1,034,886.)	Khandesh, West. (Total population 580,723.)	Nasik. (Total population 905,030.)	Poona (Total population 1,071,512.)	Satara. (Total population 1,081,278.)	Sholapur (Total population 768,330.)	Belgaum. (Total population 948,620.)	Bijapur. (Total population 862,973.)	Dharwar (Total population 1,026,005.)	Kanara (Total population 430,548.)	Kolaba. (Total population 594,166.)	Ratnagiri. (Total population 1,203,638.)		
Maratha	231,924	51,512	280,719	27,441	13,553	96,088	370,998	557,438	244,467	181,770	22,991	50,772	48,759	166,760	289,317	Bombay City	801,554
Kunbi	14,458	108,891	106,984	323,203	89,856	230,792	94,949	40,494	6,500	1,175	2	775	2,149	43,373	310,543	Thana District	191,693
Mali	6,480	1,380	42,255	41,532	22,485	31,275	63,605	21,108	25,629	334	66	66	.	11,263	798	Ahmednagar	527,704
Koli	.	..	34,399	51,459	13,055	83,348	48,468	4,588	10,293	3,251	119	92	50	..	.	Khandesh, East	494,768
Bhandari	23,846	14,388	5	8	..	37	112	3	44	1,014	29	86	11,969	5,633	87,086	Khandesh, West	163,312
Shimpi	8,190	2,011	3,443	5,812	2,848	4,704	7,644	8,120	5,124	3,557	3,150	6,858	675	1,919	2,551	Nasik	472,541
Lohar	4,935	2,358	4,386	4,887	2,357	3,431	3,210	4,888	3,158	817	637	608	485	951	2,369	Poona	650,151
Kumbhar	3,828	5,023	6,798	6,232	1,940	4,741	7,515	10,897	1,954	551	913	494	1,835	4,676	13,407	Satara	699,124
Dhangar	1,292	2,860	47,853	22,723	12,489	11,562	49,509	46,757	81,012			.	1,369	4,495	7,489	Sholapur	379,449
Bhoi	1,601	1,324	862	7,869	4,729	2,563	4,141	2,393	1,273	872	638	1,164	848	6,696	4,326	Belgaum	193,841
Bari	..	2,246	..	4,097	..		.	..	.	..		.	..	.	..	Bijapur	28,545
Lonari	..	..	..	..	..		..	2,438		..	..	..		.	..	Dharwar	60,915
Bhavin and Deoli	..	..	.	..	.	..	..	.	..		.	..	3,954	..	..	Kanara	72,093
Shinde	..	..	..	..	..	.	.	.	.	.	.	.	.	..	10,225	Kolaba	230,771
																Ratnagiri	728,111
Total	301,554	191,693	527,784	494,768	163,212	472,541	650,151	699,124	379,449	193,841	28,545	60,915	72,093	230,771	728,111		5,194,072

NOTE ON ELECTORAL LAW AND PROCEDURE.

The following points arise:—

I.—The preparation of the Electoral Rolls.
II.—The disposal of objections to the said Rolls.
III.—The class of Polling Officers.
IV.—The method of recording votes.
V.—How many votes can be recorded per diem.
VI.—Whether elections should last more than one day.
VII.—How objections to the results should be disposed of.
VIII.—The general qualifications and disqualifications of voters and candidates (under this head arise the questions of female suffrage and the position of members of Hindu joint families and other co-owners).

2. These questions practically cover the whole field of electoral law and procedure and it is necessary to consider the existing Regulations, how far they have proved defective, and what changes are necessary in view of the enlargement of the constituencies. At the present moment the only constituencies where direct election prevails to any large extent are the four Mussalman constituencies, and the Zamindars and Jagirdars in Sind. Under the scheme proposed we shall have direct elections for 26 Districts, 6 Cities, the Muhammadan constituencies, the Sind Hindus and the Europeans. The other constituencies which we have proposed are already in existence and the Regulations which have worked well in the past probably require no alteration, except in so far as it will be convenient to have one set of general Regulations for all.

3. We have already some experience in dealing with fairly large constituencies. There are 2,460 voters in the Muhammadan N. D. constituency. This experience has disclosed certain defects in the existing Regulations and also in the schedules which govern the elections in certain constituencies. The necessity of these amendments might be brought to the notice of the Committee. We have made three reports to the Government of India which contain the details. Copies are attached * As the matter has been so recently before Government (1917) it is hardly necessary to devote any further time to examining the existing law in relation to the existing state of things. Subject to these points it may be taken to have worked smoothly. It will therefore form a valuable foundation for any new proposals.

*Letter from the Legal Department No. 211-P.—966-A., dated 30th September 1916, No. 55, dated 20th January 1917, No. 116-P—696-A., dated 22nd August 1917.

4. What we have to consider first is the Election Regulations at page 115 of the Bombay Legislative Council Manual. These Regulations apply to *all* elections; the special rules for each constituency are contained in the schedules. Amendments which are merely consequential on the new changes need not detain us. Regulations I to III fall under this head. Regulations VI, VII, IX, X, XI, XII, XIII, XV, XVIII will be as appropriate to the new conditions as they are now. Subject to the points already reported to the Government of India no change need be suggested.

5. The first question is what persons, otherwise eligible as candidates, shall be held to be disqualified. This is now dealt with by Regulation IV. Three points suggest themselves:—

(i) Should females be declared disqualified, cause (*c*)?
(ii) What is the meaning of the word "offence" in clause (*h*)?
(iii) Is clause (*k*) to be maintained?

As to (i), there is a growing feeling in favour of removing this disability. It is so far an academic question, but the Bombay Corporation are debating the point. The disability has been removed in Great Britain. I do not think any harm would result if it were dropped.

As to (ii), the question has arisen whether a gentleman who was sentenced by the High Court to undergo six months' imprisonment for contempt of Court was guilty of an "offence." As R. L. A. I was of opinion that he was not. I merely mention the point as it has arisen. I do not think any alteration is necessary.

As to (iii), the general power to disqualify. This has, so far as I can ascertain, been resorted to twice. Once in the case of the gentleman alluded to in the last paragraph, once in the case of a gentleman who was held by Government to have committed a corrupt practice. In the latter case we have recommended a special Regulation and nothing more need be said. In my opinion it is absolutely essential that the power should be retained. It would be very easy to put cases. The fact that it has been seldom used shows that it is not likely to be misused.

6. With reference to the question of joint owners we may adopt the English principle in the case of joint occupiers. If the franchise on the yearly value of the premises is £10, then two or more joint occupiers are each entitled to be registered if the total yearly value divided by the number of occupiers amounts to £10. Schedule VII, rule 3 (*b*), of our rules contains a provision which seems to be applicable in principle to all cases of co-owners or sharers such as the members of a joint Hindu family.

7. The next question is as regards Regulation VIII. The power here given is vested in the Local Government. In so far as clause (*b*) is concerned all the matters specified are definite and cannot require any enquiry. There is no practical reason why the Local Government

should not be fully competent to decide such matters. They are quite apart from misconduct in the election itself. As to clause (a), nice questions of interpretation sometimes arise, but the facts are seldom in dispute. Such cases have come before Government in the past, *e.g.*, whether a candidate was qualified to stand for the Municipalities of the C. D. under rule 6 of Schedule VI. In such a case some enquiry may be required; but it seems hardly necessary that there should be any tribunal. The English practice does not help here as this particular question could not arise. Generally speaking however questions of this nature as distinct from charges of misconduct at elections would be decided in the case of a member of Parliament by the House of Commons itself. There seems no reason to make any change in our Regulations in this respect. It may here be remarked that the Report intends that "Franchise, Electoral Law and constituencies" shall be a transferred subject. If so, it will be open to the Legislative Council to make the necessary amendments, if any—a remark which applies to the whole subject. There is therefore no use in making radical changes at the present stage.

8. Regulation XIV has been discussed in our recent letter to the Government of India. There seems no reason to add anything. The definition of corrupt practice in this Regulation is adequate for all practical purposes This same letter also covers the question of the tribunal which should dispose of charges under Regulation XVI and the further question of taking power to appoint an Election Commissioner as is done in England to enquire into general charges of corruption against a constituency. It is unnecessary to add anything to the views there expressed.

9. With these amendments the Regulations would be suitable for the new state of things. I now turn to the special requirements of each constituency which are at present dealt with in the Schedules. The most important point is the preparation and revision of the Electoral Rolls. In the majority of our existing constituencies there are no Electoral Rolls, for either the right to vote depends on a qualification as to which there is no room for dispute, or the election is by delegates chosen *ad hoc*. There are Electoral Rolls for the Jagirdars and Zamindars and for the four Muhammadan constituencies only. Under the scheme proposed we shall have Electoral Rolls for each District, for 7 cities, for 4 Muhammadan constituencies, for Sind Hindus, and for European British subjects. Who is to prepare the Electoral Rolls? and who is to revise them?

10. The existing practice in the constituencies where there are Electoral Rolls is to appoint a Returning Officer who prepares and revises the Electoral Rolls. Three of these constituencies are Divisional constituencies, and the Commissioner is naturally appointed. In Bombay City the Collector of Bombay is appointed. Are we going to continue on these lines or is any change to be introduced? If so, in what direction?

11. My own opinion is that at the outset we should build on the existing framework, but that in future the franchise for Local Self-Government and for Council Elections should be the same as far as possible. But at present this is not so. If it were, the Register of Municipal voters in our cities would be our Election Roll for the Council Elections in cities and the Registers for Taluka Local Boards would be in the main our Electoral Roll for District Elections. As regards Divisional constituencies, the course is not so clear, but it would be possible to combine the two, and to give the vote on the Municipal Register to those who live in towns which are themselves constituencies and on the Taluka Local Board Register to those who live outside such towns. In this connexion it must be remembered that there are Municipalities other than those which are themselves constituencies. It would immensely simplify our problem if we *could* adopt the Municipal and Taluka Local Board franchises for Council Elections. The whole work of the preparation and revision of the Electoral Rolls would then be done by the Municipalities and Local Boards. But the first step is to get our Electoral Rolls prepared, and then to work for their adoption as a basis for the elections to Local Bodies. For the first elections we must, I think, work on existing lines, and keep our Returning Officers much as they are.

12. As the scheme now stands Electoral Rolls will have to be prepared in the following cases:—

(1) Muhammadans of N. D.
(2) Muhammadans of C. D.
(3) Muhammadans of S. D.
(4) Muhammadans of Bombay City.
(5) Bombay City.
(6) Ahmedabad.
(7) Karachi.
(8) Poona.
(9) Surat.
(10) Sholapur.
(11) Sind Hindus.
(12) Europeans (Presidency).
(13) Europeans (Sind).

and 26 for the Districts.

TOTAL 39

13. It is proposed to divide up Bombay into separate constituencies, and this will, nominally at least, increase the number. The existing scheme of the Schedules (see Schedule VII) gives Government power to appoint any officer to act as "Returning Officer" or "Attesting Officer." The work will be very great in the first instance, and Government may have to make a large number of special appointments, but it is premature to discuss the details. It can hardly be anticipated that there will be any serious difficulty in finding qualified persons even if the District Officers cannot undertake the work. The same person could act as Returning Officer in more than one constituency and if sufficient time is allowed this part of the work can be got through all right, though it will involve considerable expense. It seems hardly necessary to go into further detail at this stage.

14. As to the revision of the Rolls there seems no necessity for any separate agency. In England this work was formerly done by special officers called "Revising Barristers," but this system has been superseded. The existing practice is that the Returning Officer both prepares and revises the Roll, and this might be maintained. If reasonable time is allowed for hearing objections the same man can do both parts of the work.

15. The next stage is that of nomination, and here it seems to me that the procedure indicated in Schedule VII, rules 7 to 9, is adequate. Indeed I see no reason generally speaking why that Schedule cannot be applied *mutatis mutandis* to all our new constituencies. Under it elections have been successfully held in the past in which 2,460 votes have been recorded, and all that is really necessary is to make such amendments as are required by the change in the constituencies, and to provide for difficulties due to the increase in numbers.

16. As for the recording of votes at present the "Attesting Officers" are (*a*) Collectors, (*b*) Sub-divisional officers, (*c*) Mamlatdars, (*d*) Mahalkaris. In the case of our 26 District constituencies this would probably suffice. In a district such as Ratnagiri there would probably be some 13 or 14 attesting officers distributed over the district. We are proposing to have some 15,000 voters; of these it may be confidently asserted that not more than 10,000 will vote, at the first election. With an untrained staff and semi-illiterate voters it will be impossible to record more than 500 votes in a day at the outside and it is inevitable that the elections should last more than one day. Two days should be sufficient, but it would probably be safer to allow three. The above remarks apply generally to all our proposed constituencies. The Divisional constituencies will contain fewer voters. The cities are more compact: but in the first instance I would allow three days all round.

17. The present practice in recording votes is set out in rules 11 and 12 of Schedule VII. It will be seen that the polling officer *attests* the vote, that is to say, he signs a certificate that the voter is personally known to him, or has been identified to his satisfaction (see Form III). With a poll of 10,000 it may be difficult to insist on this. The alternative is to adopt the English practice. There the candidate or his agent may insist that any voter at the time of tendering his vote shall answer two questions:

(1) Are you the same person whose name appears as A. B. on the register of voters?
(2) Have you already voted either here or elsewhere at this election?

A false reply to either question is a criminal offence. The candidate may require that an oath shall be administered. Something of the same kind is prescribed by rule 22 of our Model Election Rules for Municipalities but there the polling officer is bound to satisfy himself of the voter's right to vote. The procedure indicated in rules 22 and 23 of those rules seems convenient and might be adopted. If this is done, the term Attesting Officer may be dropped as inappropriate.

18. As to the question of secrecy, rule 12 (7) of Schedule VII follows the English practice, and rule 23 (vi) of the Model Municipal Rules is to the same effect. In the case of "incapable voters," to use the English term, it does not seem possible to do anything more in order to preserve the secrecy of the ballot.

19. On the above lines the existing procedure can readily be adopted to the new conditions.

Letter No. 211-P.,—956-A., dated the 30th September 1906, from the Secretary to the Government of Bombay, Legal Department, to the Secretary to the Government of India, Legislative Department.

I am directed to invite the attention of the Government of India to a question which has arisen in connexion with the application of the Regulations for the election and nomination of additional members of the Legislative Council of the Governor of Bombay, published in Notification No. 16 in the Legislative Department, dated the 15th November 1909, as amended by Notification No. 49, dated the 4th October 1912.

2. Mr. Ebrahim Adamji Pirbhoy of Poona and Bombay was elected by the Muhammadan community of the Central Division on the 28th April 1916. His election was brought in question by a petition preferred to Government by Mr. Ebrahim Haroon Jaffer under regulation XVI (1) in the following circumstances. Mr. Ebrahim Adamji's brother, who was at Jamner in East Khandesh district for the purpose of canvassing, offered, under general or special authority of Mr. Ebrahim, the sum of Rs. 2,000 for the purposes of a girls' school with a view to secure votes. Government thereafter, by Notification No. 716, in the Legal Department,

dated 23rd July, published at page 1556 of the *Bombay Government Gazette*, Part I (Extraordinary), of the 23rd July 1916, declared the election void. By Notification No. 825, dated the 19th August, the electorate has been required to elect another person to fill the vacancy.

3. Mr. Ebrahim Adamji Pirbhoy has submitted to the local Government a memorial for transmission to His Excellency the Viceroy and Governor-General containing an appeal against the decision of the local Government declaring the election void. I am directed to state that as the decision of the local Government is final by virtue of regulation XVII, the memorial has been withheld under rule 11 (10) of the Rules regarding the submission of petitions to the Government of India published in Home Department (Public) Notification No. 534, dated the 30th June 1916.

4. Mr. Ebrahim Adamji, I am desired to state, offered himself again for election. His Excellency the Governor in Council was of opinion that it would not be in accordance with the public interest or the intention of the regulations that a person, whose election had been declared void on the ground that a corrupt practice had been committed by himself or his agent, should be permitted to stand as a candidate at the ensuing election, for if such person were re-elected the order declaring the previous election void would be rendered nugatory. Mr. Ebrahim Adamji was therefore warned in a confidential manner that he should withdraw, and on his refusal to do so, an order has been issued under clause (*k*) or regulation V, declaring him to be ineligible for election.

5. Under section 4 of the Corrupt and Illegal Practices Prevention Act, 1883, a candidate who has been reported for corrupt practices at Parliamentary elections in England is incapable of ever being elected by the same constituency, if the act was committed with his knowledge or consent, and when the act was committed by an agent the disability extends (under section 5) over a period of seven years. I am to observe that the regulations for the nomination and election of Additional Members of the Legislative Council of the Governor of Bombay make no specific provision, on the analogy of the English enactment, for dealing with candidates guilty, by themselves or their agents, of a corrupt practice. It has been suggested that the words "another person" in regulation XVI (3) may be so interpreted as to debar the guilty candidate from seeking election again, but such an interpretation appears strained and untenable. It is, however, clearly necessary to obviate the scandal of a candidate, whose election has been declared void for a corrupt practice, being permitted to stand again forthwith. In the present instance, as the fact distinctly showed that the candidate had a guilty knowledge of the corrupt practice committed on his behalf, the Governor in Council considered that there were ample grounds for holding that he should be disqualified under regulation IV (*k*) and a declaration to this effect has accordingly been issued. I am to observe, however, that in certain cases this regulation would not be appropriate and that in all cases it is desirable to have specific provision in the regulations for dealing with corrupt practices in a manner analogous to that of the English Act. I am, therefore, to suggest that, with the permission of the Government of India, the question of amending the regulations in this sense should be considered at the earliest possible opportunity.

Letter No. 55, dated the 20th January 1917, from the Secretary to the Government of Bombay, Legal Department, to the Secretary to the Government of India, Home Department (Public).

I am directed to acknowledge the receipt of your letter No. 357-C, dated the 18th December 1916, and to state that Mr. Ebrahim Adamjiee Peerbhoy has been informed as therein directed.

2. With reference to paragraph 2 of your letter, I am to forward herewith, for the consideration of the Government of India, a draft of the proposed rule to be inserted in the regulations for the nomination and election of Additional Members of the Legislative Council of the Governor of Bombay.

3. In explanation of the draft, I am to make the following observations. Under sections 4 and 5 of the Corrupt and Illegal Practices Prevention Act, 1883 (46 and 7 Vic., ch. 51) when the election court reports to the Speaker that a corrupt practice has been committed, then—

(i) if the corrupt practice has been committed by, or with the knowledge and consent of any candidate, such candidate is for ever incapable of election for the same county or borough; and

(ii) if the corrupt practice has been committed by any candidate through his agents, such candidate is similarly disqualified for seven years.

In the English law therefore, any candidate who, himself or by his agent, commits a corrupt practice, is disqualified: it is not merely the elected candidate who is referred to. In the proposed rule it is suggested that the disqualification should similarly extend to *any* candidate. For, supposing there were two candidates each of whom was guilty of a corrupt practice, and a petition was filed against the person elected, Government could declare the election void. A second election would then be held, and the person who was second candidate at the first election might be elected. Government would, unless the proposed rule covers "any" candidate, be bound to accept the election. In England, moreover, the candidate who commits

a corrupt practice is unable to stand for the *same* constituency. But, if the corrupt practice has been committed by or with the knowledge and consent of the candidate, the candidate is also disqualified from standing for any *other* constituency [*cf.* s. 7 with s. 6 (4)]. This additional qualification does not apply where the candidate is guilty merely through his agents. In the proposed rule, however, it is suggested that the disqualification should be general, whether the candidate or his agent is guilty, because in regulation XIV no distinction is drawn between the two offences; moreover, as the penalty will be light (as compared with the provisions in force in England), there appears no need for the distinction. Under the English law, a candidate who himself commits a corrupt practice is also debarred—

(*a*) from voting at *any* election (including elections for public offices) and

(*b*) from holding any judicial or public office.

4. In regard to the application of the provisions of regulation IV (*k*) in Mr. Peerbhoy's case, I am to state as follows: His Excellency the Governor in Council had carefully considered whether the words "another person" in clause (3) of regulation XVI could properly be interpreted as meaning a person other than the candidate whose election has been declared void. Government were advised that it was doubtful whether this would be a correct interpretation, as the result of such an interpretation would be that in every case in which an election has been declared void, the candidate who was elected would have to be disqualified from being re-elected. This would be a hardship in cases where the election is declared void for no fault of the candidate elected, for instance, where the election has not been conducted by the returning officer in accordance with the principles laid down in the rules contained in the schedules appended to the regulations (*cf.* regulation XV). The attention of this Government was also drawn to the case of an election to the Legislative Council of the Governor-General when the election was declared void, and in the fresh election which was thereafter held the same person, whose election was declared to be void, was notified by the Government of India to have been re-elected (please see Notifications in the Legislative Department of the Government of India, No. 19, dated the 31st January 1913, and No. 24, dated the 21st February 1911). Moreover, Mr. Ebrahim Adamjee Peerbhoy, the disqualified candidate, had consulted the Honourable Sir S. P. Sinha, the Advocate General of Bengal, who was of the opinion that the expression "another person" in regulation XVI, clause (3), did not exclude the disqualified candidate from being re-elected. For these reasons, His Excellency the Governor in Council was advised that, as Mr. Peerbhoy insisted on standing for re-election, there was no alternative but to disqualify him under clause (*k*) of regulation IV.

Draft.

XVI-A.—Where the validity of an election has been brought in question on the ground of a corrupt practice, and the Governor in Council finds that a corrupt practice has been committed by any candidate in connexion with such election, such candidate shall, if the Government in Council by order in this behalf so directs, be ineligible for election as a member of the Council for such period, not exceeding seven years, as may be specified in such order, unless the disqualification be sooner removed by the Governor in Council.

Letter No. 116-P.—696-A., dated the 22nd August 1917, from the Secretary to the Government of Bombay, Legal Department, to the Secretary to the Government of India, Home Department (Public).

With my letter No. 55, dated the 20th January 1917, a draft amendment of the Regulations for the nomination and election of Additional Members of the Bombay Legislative Council, to provide for the disqualification of candidates found guilty of corrupt practices, was enclosed for the consideration of the Government of India. I am now directed to submit certain other amendments which His Excellency the Governor in Council desires to suggest for consideration when the regulations are next revised.

2. In the first place I am to observe that in dealing with some of the applications under regulation XVI questioning the validity of elections at the last general elections for the local legislative council, the Government of Bombay was strongly impressed with the need of some provision for requiring a person making such an application to give security. In England a person presenting a petition regarding a parliamentary election is required, at the time of the presentation of the petition or within three days afterwards, to give security for all cost, charges and expenses that may become payable by him to the respondent or on account of witnesses summoned on behalf of the petitioner (Halsbury, Laws of England, XII, page 419). The election court has discretion in awarding costs and can penalise unfounded allegations or vexatious conduct (*Ibid.*, page 472). It is believed that a provision requiring persons making applications respecting the validity of elections for the legislative council to give security, and empowering the Governor in Council when deciding the application to award costs, would cause petitioners to consider their allegations and evidence with greater care than is sometimes the case at present and would discourage the making of groundless or frivolous applications. I am therefore to invite attention to the terms of the amendments marked A in the schedule* annexed to this letter. It is proposed that the form of the bond that will be required should be prescribed by the local Government. Under section 187 of the Bombay Land

* Not printed.

Revenue Code, 1879, any sum declared by a contract with the Secretary of State to be leviable as a revenue demand can be realised by the summary procedure prescribed in that Act, and consequently, if the bond were suitably worded and the petitioner failed to pay the costs awarded against him, they could be levied in this manner.

3. Secondly, I am to say that a doubt has been felt regarding the interpretation of the proviso to No. XI of the local regulations. At the last general elections the election of a member by the Muhammadan community was declared void under regulation XVI on the ground of a corrupt practice having been committed After such declaration and before the new election was held the electoral roll was revised under rule 6 of schedule VII. The proviso to regulation XI requires that when a vacancy occurs in the case of an elected member the election shall be made by the same electorate as that which elected the member whose place is to be filled. It is not clear whether this proviso should be construed as preventing in general the revision of an electoral roll before a new election, or whether it applies only in a case where two associations elect alternately [that is, in the case of the electorate specified in sub-head (xii) of regulation II] and the election is held to fill the seat of a member whose term has not been completed. In the latter case the object of the proviso would be to ensure the election being made by the association which elected the member whose seat is vacant. The terms of the proviso suggest that it has the first or more general application, but if this is so it would appear to prevent the revision of an electoral roll at any time. If however the proviso has the second or more limited application, its terms do not appear clearly to express the intention. It is suggested that perhaps this proviso could be omitted and a proviso added to regulation II. I am accordingly to refer the amendments marked B in the schedule hereto for the consideration of the Government of India.

4. The amendments in the list marked C in the schedule were suggested by the experience of the last general election. The Governor in Council would be glad if serial No. 1, if approved by the Government of India, could be carried into effect at an early date, as several representations have been made to him on the subject.

5. The amendments in the list marked D were submitted to the Government of India with Mr. Percival's letter No. 688, dated the 5th June 1914, and the Government of India in their letter in the Home Department (Public), No. 90-C., dated the 6th November 1914, intimated that, while they saw no *primâ facie* objection to the proposals, action in respect of them should be deferred until it became necessary to undertake a general revision of the rules. In case such general revision may shortly be undertaken, I am directed to include these amendments with the others to which allusion has already been made. The wording of serial No. 2 (ii) has been slightly modified.

---

(2) Note of a discussion with the Governor of Bombay in Council, held at Bombay on the 31st January 1919.

The Committee met the Governor of Bombay (His Excellency the Hon'ble Sir George Lloyd, G.C.I.E., D.S.O.) and the Members of his Executive Council (the Hon'ble Mr. George Carmichael, C.S.I., I.C.S., the Hon'ble Mr. G. S. Curtis, C.S.I., I.C.S., and the Hon'ble Sir Ibrahim Rahimtoola, Kt., C.I.E.).

His Excellency said that his Government had arrived at a definite decision on nearly all the points on which the Committee desired their advice, but one or two points still remained on which as a Government they had not done so and on those they would express their individual opinions to the Committee.

The following questions were then discussed.

1. The proposals for the franchise qualifications of (a) *payment of land revenue assessment or equivalent rent* (i.e., *twice the amount of assessment*) *and* (b) *the ownership or occupation of immoveable property other than land of a minimum annual rental value. The nature of the qualifications in tracts* (*particularly Sind*) *where revenue is fluctuating and rent is paid in produce.*

Mr. Carmichael said that in order to secure the fullest representation of agricultural interests, they wished to include in the electoral roll tenants under big landlords in the taluqdari villages and tenants who had mortgaged or sold their land. There was a complete record of tenancies in the record of rights and there would be no difficulty in ascertaining who were tenants. As regards the proposed qualification based on the annual rental value of immoveable property in rural areas, they recognized that there would be great difficulty in making the valuation, and for this and other reasons they were prepared to drop the proposal that votes should be given on this basis and to substitute for it the qualification of income-tax payment. There would still, however, be the difficulty of payers of municipal taxes in urban areas included in rural constituencies, not all of whom would pay income-tax.

The local Government had desired if possible to frame a satisfactory qualification for Sind on the basis of the land revenue; but in view of the difficulty caused by the fluctuating amount of the assessment they had decided to adopt the acreage basis. The difficulties of the assessment basis were emphasised by their experience this year when the Indus was lower than it had ever been before. They preferred the acreage basis even to an average assessment of three years. They would make no difference between dry and wet land or cultivated and uncultivated land.

Mr. Hailey said that similar conditions obtained in the Punjab canal colonies where the local Government proposed to take the assessment at the time the electoral roll was prepared.

His Excellency pointed out that in Sind they were working under a different and much older system.

Mr. Carmichael said that they had standard irrigation rates in Sind, but they could only be used for a single year.

As regards municipal areas included in rural constituencies, the payment of income-tax was the only qualification which they proposed. The difficulty about adopting in this case the franchise proposed for the urban constituencies was that in some towns a house tax was imposed, in others octroi, and in others both house tax and octroi.

Lord Southborough said that the Committee would give Mr. Crump a note showing what further information they required on this subject.

2. The addition of a separate educational qualification as such (non-student matriculates or graduates).

Sir Ibrahim Rahimtoola said that the local Government had no objection to giving representation to education, and that higher education was to be represented through the University. The proposal to give votes on a purely educational qualification was contrary to their principle that the franchise should be on a property basis and would give rise to other claims. The local Government therefore did not accept the proposed addition.

3. The addition of payment of income-tax as a qualification.

This question was not separately discussed as the point had already been disposed of in the discussion with regard to Question 1.

4. The proposal to vary from district to district the amount of the property qualification.

Mr. Curtis said that the local Government proposed to fix the assessment at Rs. 32 in all districts except Ratnagiri and the Panch Mahals where it should be lowered to Rs. 16.

5. The proposal to fix a lower property qualification for Muhammadans than for the general constituencies.

Sir Ibrahim Rahimtoola said that small constituencies were undesirable. Outside Bombay city the Muhammadans were poor and backward, and the qualification should therefore be reduced in their case for the time being, in order to provide sufficiently large electorates.

6. The addition of a separate military qualification so as to include retired soldiers of or above a certain rank.

His Excellency said that the local Government accepted this proposal and would give votes to any retired soldier above the rank of Havildar Major.

Lord Southborough said that in this matter the Committee would note the view of the local Government but they were rather in the hands of the Government of India.

6A. The residential qualification and age qualification for (a) voters and (b) candidates.

Mr. Curtis said that, if the qualification suggested above was adopted, the local Government did not recommend any residential qualification for voters. As regards candidates, they would recommend that they should have had a place of residence in their constituencies for 12 months.

His Excellency said that the local Government quite realized the difficulties of giving effect to this requirement.

7. The proposal to allot an equal number of seats to each district, irrespective of population, number of voters and general importance.

His Excellency said that the local Government adhered to their proposal which had the merit of simplicity. It was impossible to assess the value of other considerations.

Mr. Carmichael said that most of their districts were approximately of the same size. There were two small districts, but they wished to give a chance to minorities there as elsewhere.

8. The proportion of representation allotted to urban constituencies as against rural constituencies. The question of widening the proposed urban constituencies by the grouping of other important municipal towns.

Sir Ibrahim Rahimtoola said that in the opinion of the local Government 72 out of 100 elected seats was sufficient for rural areas. Urban areas were more advanced and, if direct representation was not given to commercial interests, the urban vote must be weighted to a certain extent.

His Excellency said that the Local Government did not think that the grouping of towns would be feasible, except possibly in East Khandesh.

9. The system of plural-member constituencies and the cumulative vote.

Mr. Curtis said that the local Government were in favour of two-member constituencies and cumulative voting. He was convinced from his personal experience in Bombay that this system would be feasible in rural areas. The matter was very important in its bearing on the representation of minorities. With three or four member constituencies and the cumulative vote, a well organized minority would secure a seat. The proposed two-member constituencies with a cumulative vote would defeat the demand for communal representation. The difficulty of communal representation for Marathas might be got over in this way; there would be great difficulties in defining the term "Maratha" for the purposes of a communal constituenty.

Sir Ibrahim Rahimtoola said that he had had practical experience of elections under various rules, and the result was undoubtedly in favour of the system of plural constituencies and cumulative voting if communal representation was not to be given. The system had been adopted for elections from the Provincial Councils to the Imperial Legislative Council, and in Bombay city, where the same system was in force, the Muhammadans had never demanded communal representation; the existence of this system had made it possible for Mr. McBain to be returned to one out of six seats on the Bombay Corporation time after time.

Mr. Hogg asked if two-member constituencies would afford any protection to small minorities such as the Jains.

Sir Ibrahim Rahimtoola said that they would not, and personally he was in favour of four-seated constituencies.

10. Communal representation for (a) Marathas, (b) Lingayets, (c) depressed classes, (d) Indian Christians, (e) Parsis, (f) Jains, (g) Europeans, and (h) Anglo-Indians.

Mr. Curtis said that the only communities whose claims need be considered were the Marathas and the Parsis. As regards the Parsis, they were so influential and wealthy that, if plural constituencies with a cumulative vote were instituted, they would get representation, though they would probably not do so in single-member constituencies.

Sir Ibrahim Rahimtoola said that Parsis had always got adequate representation. They had had a quarter of the representation in Bombay City and had always had a representative on the Imperial Council. If separate representation was given to one community, it would be difficult to refuse it to others.

As regards the Marathas, Mr. Carmichael said that they represented a very large proportion of the population in the Deccan and the Konkan. They were the fighting class of the Presidency and they supplied the labour force in the big industrial cities. They maintained their connexion with their villages and in

his opinion they should have representation in their rural constituencies. Owing to Brahmin influence a Maratha candidate would not ordinarily have a chance of election even though the Marathas might be in a majority, and he did not think that cumulative voting would help them. There were comparatively few qualified men amongst them, and he proposed to give a stimulus to them to qualify themselves to take part in public life. The matter of definition was difficult but not insurmountable if Marathas and Kunbis were taken together.

Sir Ibrahim Rahimtoola said that if seats were reserved for Marathas, the effect would be to give them other seats also, because the surplus Maratha votes would be decisive in the election of the other members.

11. The question of giving separate representation to Muhammadans instead of to Hindus in Sind. Communal representation to be extended to Muhammadans in Karachi city.

Sir Ibrahim Rahimtoola said that Sind must be treated as a unit by itself apart from the rest of the Presidency, and no other arrangement than that proposed by the local Government was possible.

12. The method of distributing over districts the Muhammadan representation for which provision is made in paragraph 14 of the Government scheme.

Mr. Curtis said that by lowering the property qualification they hoped to increase the number of voters.

13. The advisability of giving communal representation to Muhammadans in the special landholders' electorates.

Sir Ibrahim Rahimtoola said that out of 1,000 landlord voters in Sind, 800 were Muhammadans who regularly returned a Muhammadan representative. Things should be left as they were.

14. The method and amount of representation for commercial and industrial interests (a) European and (b) Indian through Associations or other methods.

His Excellency said that in his opnion the weight of evidence for substantial commercial representation in addition to communal representation for Europeans was so strong, apart from the political reasons for granting it, that in his opinion it should be accepted. The Europeans in India were in a peculiar position and their claims could not be dealt with on a strictly numerical basis. Mr. Carmichael agreed with him in this view.

Mr. Curtis referred to the speech made by Sir Ibrahim Rahimtoola in 1913 on the subject of the representation of commercial interests through Associations. The representation of commerce and of the European community must be considered together and the Chamber of Commerce was not suitable to represent either. Quite a large number of the members of the Chamber were not English and there were a number of large firms which were not represented upon it. The interests represented by the Trades Association found no representation by this means, nor did the professional classes, all of whom were entitled to representation. The position with regard to Indian commerce was difficult. There were at least 30 Associations in Bombay besides the Indian Bureau and it was difficult to give representation to one without giving it to the others. The Secretary of State's original despatch stated that the representation of such interests was provisional. Therefore he would abolish this form of representation altogether and would raise the representation of those areas where Indian commerce was most prominent, that is to say, Bombay, Karachi and Ahmedabad.

Sir Ibrahim Rahimtoola said that he had been strongly opposed to representation by Associations ever since 1908. His reasons were stated in his speech to which Mr. Curtis had referred. The general principle of the reforms scheme was to widen the electorates, and the creation of constituencies out of Chambers of Commerce was opposed to this, because on this system a firm could only get a vote by being admitted to an Association by the managing committee and paying a fee. The territorial constituencies proposed by the Government of Bombay would give adequate representation to all such interests. He realized that the representation of Europeans could not be on a numerical basis. The

Chambers of Commerce of Bombay and Karachi could be represented by nomination after consultation with the Chambers.

Mr. Carmichael said that he understood that the Secretary of State and the Viceroy intended that such interests should be represented, and he could see no reason why a privilege which was extended to landholders should be withheld from them. There was no chance of their being represented through the territorial electorates, and there would be no difficulty in finding representation for European or Indian trade through strong Associations, including the new Cotton Clearing House. On a communal basis the Europeans would not have a position proportionate to their claims and to their historical position in India. They represented an important element of the population ; if Government did not get their support, the success of the scheme would be endangered and without them it would be a poor Council. Their representation should therefore be sufficient and in the manner in which they preferred it, that is to say, partly through the Chamber of Commerce and partly communal.

Lord Southborough said that the Committee had received much evidence on that point and they had not yet arrived at any definite conclusion. The opinions which they had listened to would be of assistance to them.

15. A proposal to vary the proposed Landholders' electorates, by abolishing the Sardar qualification and substituting the payment of a substantial amount of land revenue.

His Excellency said that the local Government wished to retain the Sardar qualification because of the Sardars' historical and social position and because they would provide an additional stable element in the Council.

Sir Frank Sly asked whether some Sardars were not ruling chiefs of independent States. Mr. Curtis replied that possibly two or three might be, but he did not know whether they voted.

16. The proposal to widen the University franchise by the inclusion of registered graduates.

Mr. Curtis said that at present only the Senate voted, of whom 80 per cent were appointed by Government. The local Government therefore proposed to give two seats to a graduate electorate. This arrangement would encourage graduates to keep their names on the books and the electorate would probably consist of seven thousand voters, who would include the *intelligentsia* of the province.

17. The list of officials whom it is essential to include in the Legislative Council for the conduct of ordinary business.

Mr. Carmichael said that the local Government proposed a maximum of 12 official members. They would prefer not to draw up a stereotyped list of the officials to be appointed.

His Excellency said that they had not considered whether *ex-officio* members should be included in these 12.

18. The proposed distribution of Bombay seats for the Indian Legislative Council. In particular, the allotment of seats to certain towns without any allotment for district constituencies.

His Excellency said that, if the constituencies for election to the Imperial Council were the same as for the Provincial Council, they would prefer indirect election. If, however, the constituencies were wider on a higher franchise, they would prefer direct election.

---

(3) Demi-official letter No. 226-Reforms, dated the 3rd December, 1918, from Lord Southborough to L. C. Crump, Esq., I.C.S., officer on special duty in the Bombay Secretariat, regarding a system of direct election to the Indian Legislative Assembly.

In addition to the points raised in our discussion with you yesterday morning, the Franchise Committee is sure to desire to discuss a scheme for direct election from Bombay to the Indian Legislative Assembly as an alternative to indirect

election. Perhaps you would kindly warn the local Government that it would be well to consider the point. In fact it would be expedient, if possible, to incorporate an alternative scheme on these lines in their proposals.

Demi-official letter No. 362, dated the 6th December 1918, from L. C. Crump, Esq., I.C.S., to Lord Southborough.

I am bringing to the notice of this Government the desire of your Committee as conveyed in your letter of December 3rd that a scheme should be formulated for direct election from this Presidency to the Indian Legislative Assembly. I am sure they will endeavour to meet your wishes in this and all other respects.

III.—BENGAL.

PAGE.

(1) Letter No. 7585-A., dated the 21st December 1918, from the Chief Secretary to the Government of Bengal, to the Government of India (Home Department), with Statement II 157

(2) Note of a discussion with the Governor of Bengal in Council, held at Calcutta on the 11th January 1919 168

(3) Letter No. 877-A., dated the 4th February 1918, from the Chief Secretary to the Government of Bengal, to the Secretary to the Franchise Committee regarding the possibility of direct election to the Indian Legislative Assembly 172

(4) Letter No. 1162-A., dated the 19th February 1919, from the Chief Secretary to the Government of Bengal, to the Secretary to the Franchise Committee, with enclosures, regarding the representation of Indian commerce on the Bengal Legislative Council 173

(5) Letter No. 1303-A., dated the 22nd February 1919, from the Chief Secretary to the Government of Bengal, to the Secretary to the Franchise Committee, with enclosures, regarding the representation of European interests on the Bengal Provincial Council and the Indian Legislative Assembly . . 181

(6) Letter No. 2-A. D., dated the 23rd February 1919, from the Chief Secretary to the Government of Bengal, to the Secretary to the Franchise Committee, with enclosures, regarding the representation of Anglo-Indians on the Bengal Provincial Council 189

(1) Letter No. 7585-A., dated the 21st December 1918, from the Chief Secretary to the Government of Bengal, to the Government of India (Home Department).

I am directed to submit for the consideration of the Franchise Committee the proposals of the Government of Bengal regarding the constitution of the Provincial Legislative Council, the Indian Legislative Assembly and the Council of State, under the scheme of Indian Constitutional Reforms set forth in the report of His Excellency the Viceroy and the Secretary of State. In framing these proposals, the local Government have had regard to the considerations mentioned in the terms of reference to your Committee.

I.—THE PROVINCIAL LEGISLATIVE COUNCIL.

2. *Electorates.*—In accordance with the principle set forth in paragraph 226 of the report, indirect elections should be abolished and the limitations of the franchise should be made as broad as possible, having regard to the agency available for electoral purposes throughout the country. An endeavour has been made to frame a scheme on these lines, separate representation being provided for those important interests which, in existing conditions, are unlikely to secure adequate representation in the Councils unless given special electorates.

3. The agricultural interest is numerically and otherwise the most important in the Presidency, and the main basis for a general electorate must be a franchise qualification applicable to those interested in land. The land revenue basis is unsuitable, firstly, because the land revenue in most districts, having been permanently settled in 1793, affords no indication at the present day of the relative importance of different classes of revenue payers; and secondly, because, owing to the extreme subinfeudation of proprietary rights, which has taken place during the last century, only a small proportion of those directly interested in land actually pay land revenue to Government. A rental basis would be equally unsuitable for tenants, because, except in a few limited areas, where records of rights have been prepared under the Bengal Tenancy Act, rents have never been judicially determined, and any attempt to arrive at the rents legally and actually payable would entail prolonged and difficult investigations. The only payment based on land valuation assessed by Government agency is the road and public works cess due under Act IX of 1880. This cess is paid by all classes interested in the land, proprietors, intermediate tenure-holders and raiyats. It is everywhere levied at the maximum rate of one anna on each rupee of the annual value of the land. Except in areas for which a record of rights has been prepared, the annual value is usually based on rent returns furnished by the landlords themselves, which are in many cases incomplete and inaccurate, but the checks which are applied are sufficient to permit of the cess valuations being accepted as giving an approximately correct index of the relative positions of individuals in the different grades of cess payers; while the provision in the law which debars landlords from recovering rents at higher rates than those shown in their cess return deters them from filing inadequate returns. The cess valuation therefore constitutes the best and, indeed, the only practicable basis for an agricultural franchise.

4. Detailed enquiries have been made in all districts of the Presidency (except Darjeeling and the Chittagong Hill Tracts, which it has been separately proposed to exclude from the scope of the Reform scheme) regarding the number of cess payers who pay cess at the rate of one rupee and over and at the rate of two rupees and over. The results are shown in the annexed statement I, and a note on the methods of compilation adopted is appended. The statistics have been compiled under great pressure, and in certain instances disclose discrepancies which are not easily intelligible. In some districts, the figures are no doubt incomplete, owing to the valuation being several years old. In other cases, however (*e.g.*, Bakarganj), the figures are apparently an overestimate, due to the impossibility in the time allowed of excluding duplicate entries of the same individual. In districts where great subinfeudation has taken place, it is not uncommon for one person to appear several times over in different estates and tenures within the same village or in different villages. Again, the returns include women and minors who will not be

given electoral rights. It is possible that these different sources of error may to some extent correct one another, but complete accuracy cannot be claimed for the figures as they stand. All that can be said is that they indicate approximately the size and nature of the electorates likely to be secured by the adoption of different qualifications.

5. As half the cess is payable by the landlord and half by the tenants, a cess payment of one rupee connotes, so far as the tenants are concerned, a rental of Rs. 32 per annum, and a cess payment of Rs. 2 a rental of Rs. 64 per annum. On the former basis, a considerable number of substantial cultivators would be included in the electoral roll. On the latter qualification, genuine cultivators would be almost entirely excluded, and the tenants included would be mainly small tenure-holders and middlemen. It is most desirable to include substantial cultivators in the electorate, and as the one-rupee cess basis would not give an unmanageably large electorate, it is proposed to adopt it.

6. It remains to provide for non-agriculturists in the rural areas—traders, artisans, professional men, employés of zamindars and the like. Such persons do not pay cess, and the income tax qualification would be unduly high in comparison with the basis which it is proposed to adopt in the case of agriculturists. The only public demand paid by the bulk of non-agriculturists in rural areas is the chaukidari tax, which is assessed under Act VI of 1870 on all owners and occupiers of houses in a village according to their circumstances and the value of their property in the village. Payment of chaukidari tax of Rs. 2 per annum may be held to correspond roughly with payment of one-rupee cess, and figures have accordingly been compiled for non-agriculturists paying chaukidari tax at the rate of Rs. 2 and Rs. 4 and over per annum. The results are shown in statement I. The Rs. 2 rate provides a manageable electorate and its adoption is advocated.

7. As to the inhabitants of municipal areas, it is proposed for the council electorate to follow the municipal voting qualification, which is payment of municipal rates of Re. 1-8 or over, except in Howrah and Cossipore-Chitpur where the minimum is Rs. 3, and in Calcutta where special qualifications are in force under Section 37 of the Calcutta Municipal Act. The numbers of the electorate which would be obtained in this way are shown in statement I.

8. It will be observed that in the statements, figures for Muhammadans and non-Muhammadans are shown separately. The main considerations governing the problem of separate representation for Muhammadans have been frequently stated at length, and it is not proposed to recapitulate them here. The principle stated in paragraph 231 of the Report on Indian Constitutional Reforms is that communal representation should not be allowed to Muhammadans in any province where they form the majority of the voters. This is not the case in Bengal as a whole, though it does occur in individual districts and for individual classes of voters. In Eastern Bengal, however, where the Muhammadans form the majority of the population, they have every reason for apprehending that, owing to the predominance of Hindu landlords and money-lenders, their interests would not be adequately safeguarded if they voted in a general electorate. It is therefore proposed to give separate representation to Muhammadans throughout the Presidency.

9. *The general electorate.*—The materials for the constitution of electorates on the basis proposed above may be summarised thus for the province as a whole :—

—	Payers of cess of Rs. 1 and over.	Non-agricultural payers of chaukidari tax of Rs. 2 and over.	Municipal voters.	Grand total of voters.	Population.
Muhammadan	362,598	85,626	42,119	440,543	23,973,171
Non-Muhammadans	536,720	97,568	151,909	786,197	21,089,536
TOTAL .	899,318	183,394	194,028	1,226,740	45,063,607

The number of voters would, therefore, be 2·7 per cent. of the total population and 10 per cent. of the male population over 20 years of age. It may be noted

that, according to the census returns, 20 per cent. of the male population over 20 years of age is literate, and nearly 3 per cent. literate in English. The voters proposed may be classified thus :—

	Per cent.
Cess payers	73
Non-agriculturists in rural areas	11
Municipal voters	16
	100

The census returns show that 6·4 per cent. of the population are resident in municipal towns, and 93·6 per cent. resident in rural areas, 18·6 per cent. of the latter being non-agriculturists.

10. The annexed statement II shows the constituencies which it is proposed to form and the number of seats to be allotted to each. The scheme has been drawn up with the general idea of giving, on the average, a seat to each 20,000 electors, and not less than one seat to each million of the population, though departures from these standards have been made to some extent in order to maintain the district as the electoral unit as far as possible. It has not been thought necessary to provide separate representation for urban areas except in the cases of Calcutta, Howrah and Dacca, and the riparian municipalities in Hooghly and the 24-Parganas. The first three are the only towns in the Presidency with a population of over 100,000, and there are only two others, Maniktola and Bhatpara, both in the 24-Parganas, with a population between 50,000 and 100,000. These two towns, like the other riparian municipalities on the Hooghly, are practically extensions of Calcutta, and have little affinity with the neighbouring rural areas. Elsewhere, the ordinary small *mufassal* municipalities cannot be said to have such interests apart from those of the districts in which they are situated, as to justify separate representation in a Council of the size contemplated in these proposals.

11. The distribution of the other seats proposed depends on details which need not be discussed at length here. As the Muhammadan population in the Burdwan Division is small, it has been thought sufficient to give it two Muhammadan seats. Otherwise Muhammadan and non-Muhammadan seats are provided in each constituency except in the 24-Parganas municipalities and Dacca town, which are too small to be allowed two members. It is proposed that they should each return one member, irrespective of religion. Out of a total of 59 seats allotted to the general electorate, it is proposed to give 27 Muhammadans, and as will be seen later, this arrangement will result in the Muhammadans holding 40 per cent. of the seats held by elected Indian members.

12. As to the practicability of handling a general electorate of the nature contemplated, the result of general enquiries which have been made is that the existing official staff, supplemented to some extent by non-official aid, where reliable non-official agency can be found, will suffice. The electoral roll will, in the first instance, be prepared in draft,—in the case of cess payers in the collectorate office, and in the case of chaukidari tax payers by the panchayat under the supervision of the circle officer or of members of the district staff in areas where there are no circle officers. In the case of cess payers, a difficulty will arise owing to the fact that the valuation rolls in most cases show only the estate in which the assessees are interested and not the villages in which they are resident. The list of cess payers for each village union will have to be checked and supplemented, therefore, by local enquiry. The draft lists will then be published and objections and claims invited. These will be heard and decided by a deputy collector appointed for a thana or group of thanas, subject to an appeal to the Collector. It is proposed that Divisional Commissioners should exercise general powers of revision. The first electoral rolls will doubtless contain many inaccuracies and defects, but these will be gradually removed at subsequent revisions, which, it is proposed, should be held annually.

13. As to the actual holding of elections, the ideal would be to have a polling station for each chaukidari union of 10 square miles, but on this basis, about 300 polling stations would be required in an average district, and it would not be possible to provide sufficient returning officers to enable the elections to be completed within a reasonable time. A responsible official or non-official would be required

to act as returning officer at each polling station. It is proposed that voting should be carried out under a simple system of ballot, but it is impossible without experiment to say how many votes a returning officer can record in one day. The estimates on this point vary widely, and the present local board and municipal elections, which are carried out on a different system, afford no reliable guide. It seems probable that the recording of 400 or 500 votes in a day would not be an impossible task, and it would seem sufficient at first to aim at providing a polling station for every 1,000 electors and to allow two days for the holding of the election. On this basis about 20 polling stations would be required in each district on the average, or roughly one for each police-station. For the prevention of personation, it would be necessary to rely on the candidates' agents and on the members of panchayats present in the polling booths.

14. *Special electorates.*—In addition to representation through the general electorates, which, under the scheme proposed, would secure separate Muhammadan representation, it is considered necessary to provide for the following interests, which, in Bengal, could not secure adequate representation, or in some cases, any representation at all, through the general electorates :—

(1) The large landholders.
(2) The University.
(3) Indian commerce.
(4) European and Anglo-Indian interests.

15. *Large landholders.*—The existing qualification for the landholders' electorate in the Burdwan and Presidency Divisions is the payment of land revenue amounting to not less than Rs. 6,000 or cesses amounting to not less than Rs. 1,500 ; and in the Rajshahi, Dacca and Chittagong Divisions, land revenue of not less than Rs. 3,000 and cesses of not less than Rs. 750. The landholding constituencies also include persons holding the title of Raja or Nawab or higher title conferred before 1912, but this may be disregarded. In Western Bengal only proprietors have a vote ; in Eastern Bengal, permanent tenure-holders holding directly under proprietors also are enfranchised. These distinctions are legacies of the division of the province which existed between 1905 and 1912, but they also have some historical justification in the fact that the outlying Eastern districts were more lightly assessed at the time of the permanent settlement than the districts round Calcutta, and in the subinfeudation of proprietary rights which has taken place in Eastern Bengal to a much greater extent than in Western Bengal. There is a landholders' constituency for each division, but the Chittagong landholders at present return a member only at alternate elections, the Chittagong municipalities returning a member on other occasions.

16. The number of landholders who at present exercise the franchise in each division is as follows :—

Burdwan	99
Presidency	123
Rajshahi	150
Dacca	204
Chittagong	59

The electorate is therefore small and aristocratic, and the Governor in Council is of opinion that separate representation for landlords of this class should be retained. Many of them would think it derogatory to seek the suffrages of their own tenants, and they might be defeated in the general constituencies by candidates resorting to more popular methods of appeal than they would care to use. On the other hand, it is not necessary to give a large number of seats to this class. Such a step would only be justified if the constituency were substantially enlarged, and this would destroy its special character. The middle class zamindari element will doubtless carry considerable weight in the general constituencies, while the special representation proposed for the foremost men will provide a nucleus of the more important members of the community. It is suggested therefore that five seats should be allotted for the large landholders, or one for each Division.

17. *The University.*—At present the Calcutta University returns a member who is elected by the members of the Senate and Honorary Fellows having a place of residence in India. The electorate numbers about 150, the majority of whom have been appointed to the Senate on the nomination of the Chancellor. It is proposed that the Calcutta University should continue to return a member to the

Bengal Legislative Council, but that the franchise should be extended to all registered graduates. It is understood that at present only a small proportion of graduates take the trouble to register, but, if the franchise were so extended, registration would no doubt become the ordinary practice.

18. When the Dacca University is created, it should be given the privilege of electing a representative to the Provincial Legislative Council on an ultimate franchise similar to that proposed for the Calcutta University, though at the outset some intermediate arrangement would be required.

19. *Indian Commerce.*—At present one of the Governor's nominations to the Council is reserved for a person selected as representative of the Indian commercial community. Various attempts have been made in the past to form a constituency for this interest, but without success. The most important Indian commercial bodies are concentrated in Calcutta and their interests are so diverse that they could not appropriately be asked to unite in the election of a single representative. For *mufassal* traders, the only possible franchise basis would be the income tax, but an electorate formed of the Indian assessees to income tax in the different districts would not possess sufficient community of interest to constitute a coherent constituency. It is however considered that, in view of the growing importance of Indian commerce and the probability of industrial development, the number of seats allotted to Indian commerce in the Council should be increased to three. In that case, it might be possible to form electorates representing different branches of Indian trade, and further enquiries will be made on this point in consultation with those concerned. Failing the creation of suitable electorates, it will be necessary to retain nomination for this interest.

20. *European and Anglo-Indian interests.*—At present European interests are represented by five elected members, the constituencies being

	Number of members.
Chamber of Commerce	2
Trades Association	1
Tea Planting Community	1
Chittagong Port Commissioners	1
	5

The last is not necessarily a European seat, but in practice has hitherto been held by a European. In addition, one of the Governor's nominations is reserved under the Regulations for a representative of European interests outside Calcutta and Chittagong, and one or two other nominations are ordinarily allotted to European and Anglo-Indian interests. In the existing Council, non-official Europeans hold five elected seats out of 28, and eight seats in all, out of a total of 51.

21. The non-official members of the present Legislative Council in their recommendations regarding the Reforms scheme have unanimously proposed that the European non-official representation on the new Council should be sufficient to safeguard European interests and to correspond with any increase in the number of elected members. Under the proposals so far made in this letter, in regard to the reformed Council there would be (excluding the European and Anglo-Indian members) 69 members either elected or nominated to represent special interests. An additional 17 members to represent European and Anglo-Indian interests would raise the non-official members of the Council to 86 and would provide substantially the same proportion of non-official European and Anglo-Indian representation as in the existing Council. It remains to consider the distribution of these 17 seats.

22. Most of the representatives of European interests propose the formation of a general European constituency, and for this an income tax qualification would form a suitable basis. Out of 22,313 European British subjects in the province no less than 15,000 pay income tax, 11,500 of the latter being in Calcutta alone. In view of the numbers and importance of this community, it is proposed to allot them four seats. It will be decided after further enquiry and consultation with those interested whether the whole constituency should be joint or whether the seats should be distributed territorially.

23. The figures include a certain number of Anglo-Indians, but it would be impossible to exclude them entirely from a European constituency. It is proposed to adopt the definition of European British subject in the Code of Criminal Procedure, which, together with the income tax qualification, would admit most well-to-do Anglo-Indians.

24. The creation of a purely Anglo-Indian constituency would present considerable difficulties. The Anglo-Indian Empire League have suggested an electoral scheme on the basis of that at present in force for Muhammadans, but as the total Anglo-Indian population is only 19,817 (of whom over 14,000 are in Calcutta), an electorate so constituted would be very small. For the present, at any rate, it is proposed that nomination should be resorted to in the case of the Anglo-Indian community, and on the basis of population, it would not be justifiable to give them more than two seats.

25. One seat is allotted to the Calcutta Trades Association in the present Council, and it is not necessary to increase the representation of this body. The Chittagong Port Commissioners form a small constituency containing only nine persons, of whom six are appointed by Government, and in view of the increased representation proposed for European interests, it is no longer considered necessary to retain this electorate.

26. It is proposed to distribute the remaining ten European seats among specific commercial interests. At present, two members are elected by the Bengal Chamber of Commerce and one member by the Tea Planting community. In the former case, the electorate consists of the permanent members of the Chamber, including in the case of firms and joint stock companies, the persons entitled to exercise the privileges of permanent membership on behalf or in the name of such firms or joint stock companies. At present the electorate consists of 206 individuals. The Tea Planting electorate is composed of the managers of all tea gardens in the Presidency with an area of not less than 100 acres under tea cultivation. The number of electors is as follows :—

	Number of electors
Darjeeling	113
Jalpaiguri	132
Chittagong	10
TOTAL	255

If, as proposed, Darjeeling is excluded from the scope of the Reform scheme, this electorate will be considerably reduced, and an increase in the number of members allotted to this interest would not be justified. In view however of the importance, wealth and influence of the interests of European commerce in Bengal, a substantial increase is proposed in their representation. Consultation with the Chamber of Commerce will be necessary before a final scheme can be drawn up, but it is suggested provisionally that seats might be allotted somewhat in the following manner :—

Jute	3
Shipping	1
Inland Water transport	1
Tea	1
Mining	1
General commercial interests	3
TOTAL	10

If such a plan is adopted and it is found impossible to form a constituency for any of these interests, nomination will have to be resorted to, but the Governor in Council would prefer to reserve a final opinion as to these details until they can be threshed out with those concerned.

27. *Official members.*—A Council constituted in the manner proposed above would contain 86 elected and nominated non-official members. As regards the official element, it is recommended in paragraph 233 of the report on Indian Constitutional Reforms that it should be no larger than is considered necessary for the

transaction of business, and this phrase may fairly be taken to cover the adequate representation of Government on Select and Grand Committees. Another important consideration is that the number of officials who can be spared to attend meetings of Council without detriment to their ordinary duties is limited. Taking both these factors into consideration, it is proposed to provide seats for 20 official members.

28. It is further recommended that two seats should be reserved as at present for experts, and also that the Governor should have power to nominate to four seats non-officials, whose services would be useful in the Council but who would be unlikely to stand for election in any electorate that may be set up. Unwillingness to seek election may disappear in course of time, but as things stand, there are certain types of men whom it is desirable to have in the Council, but whose services could not be secured otherwise than by nomination. It is moreover desirable that the Governor should have the power of nominating a representative of the Indian Christians who will usually find it impossible to secure admission to the Council through the general constituencies. It would be difficult to create a separate electorate for them, owing to sectarian divisions, and on their numbers (83,000), they would not be entitled to more than one member.

29. The Council framed on the above lines would be constituted as follows :—

	Muhammadan.	Non-Muhammadan	Mixed electorate or nomination.	TOTAL.
General constituencies . .	27	30	2	59
Landholders	...	...	5	5
Universities (Calcutta and Dacca)	...	...	2	2
Indian commerce . . .	...	...	3	3
European general electorate .	...	...	4	4
,, commercial interests .	...	...	10	10
Calcutta Trades Association .	...	...	1	1
Anglo-Indians	...	...	2	2
Officials	...	...	20	20
Special nomination . . .	...	...	4	4
Experts	...	...	2	2
TOTAL .	27	30	55	112

Past experience has shown the inconvenience of limiting the size of the Council to the numbers thought necessary at its initial creation, and it is desirable that the local Government should be authorised to increase the maximum up to 120, in any manner that may be found convenient hereafter, in order to provide for new interests that may arise in the interval before the next statutory revision of the constitution takes place.

30. In the case of the general electorate, where both Muhammadan and non-Muhammadan constituencies are provided for the same area, it is proposed that Muhammadans only should vote for Muhammadan seats and non-Muhammadans only for non-Muhammadan seats. In the mixed constituencies all persons will be entitled to vote who possess the prescribed qualifications. It is intended that a person qualified to vote in more than one class of constituency should be allowed to do so, but that he should not be permitted to vote for more than one candidate in each class of constituency for which he is qualified. For example a large landholder holding a qualification in more than one territorial constituency would only be permitted to vote in one such constituency. But this would not debar him from also voting for one candidate in his capacity as a member of the special landholders' electorate. The establishment of plural constituencies, with reservation of seats for particular classes of candidates, and proportional representation have been considered, but the local Government are of opinion that such devices would be unduly complicated in the present stage of the political development of the country, and that it is best to assign a single member to each constituency. A candidate should only be allowed to stand for one constituency.

31. Apart from the qualifications above proposed for the different electorates, it should be prescribed in all cases that the voters must be males above the age of 21 years, and in the general constituencies that they must be ordinarily resident within the territorial limits of the constituency. The decision whether a man is

ordinarily resident within a constituency must rest with the authorities responsible for framing the electoral rolls. In the case of joint families, the vote should be exercised by the managing member of the family, who will be entered in the draft electoral roll subject to objection and appeal, as in the case of any other entry. The local Government is opposed to an obligatory literary qualification for voters which has been suggested in some quarters, and is equally opposed to another suggestion which has been made that the vote should be granted to every one who has passed any specified educational examination. The question of female suffrage has been considered, but it is thought premature to introduce it at the present stage. Women are not at present entitled to vote at municipal and local board elections in Bengal.

32. It is proposed that any person qualified to vote in a constituency should be entitled to stand as a candidate for the constituency, provided he is able to read and write. The disqualifications applicable to candidates in the existing regulations are generally suitable and might be retained.

II.—The Indian Legislative Assembly.

33. The local Government accept as suitable the proposals in paragraphs 273 and 274 of the Report on Indian Constitutional Reforms regarding the constitution of the Indian Legislative Assembly and the proportion of members allotted to Bengal. It is proposed that there should be separate representation of large landlords, European commerce, Indian commerce, and Muhammadans, and general representation for the remainder. At present members are returned to the Indian Legislative Council from the following sources in Bengal :—

	Members.	
Non-official members of the Bengal Legislative Council	2	
Bengal landholders	1	
Muhammadan community	1	(2 at alternate elec-
Chamber of Commerce	1	tions.)
	5	(6 at alternate elec-
		tions)

The eleven seats allotted to Bengal in the Legislative Assembly might be distributed on similar lines as follows :—

	Members
Representatives of large landlords	2
,, European commerce	2
,, Indian commerce	1
,, Muhammadans	3
General representation of the rest	3

34. At present, the voting qualifications for landholders are somewhat higher in the case of the Imperial, than in the case of the Provincial, Council, but the latter are not unduly low and might be adopted for the Indian Assembly. Electorates for European and Indian commerce will be worked out in consultation with those concerned. The Muhammadan seats are at present filled by direct election with a somewhat higher qualification than that prescribed for the Provincial Council, but in future the Muhammadan electorate for the Provincial Council will be constituted on a wider basis, and as shown above, will include over 440,000 persons. If direct election to the Legislative Assembly from this electorate were provided, there would be one member to 146,000 electors, which is obviously excessive. Similarly if general representation in the Assembly were secured by direct election from the general non-Muhammadan electorate proposed for the Provincial Council, there would be one member to some 262,000 voters scattered all over the province. Indirect election of the Muhammadan and general representatives of Bengal in the Assembly seems therefore inevitable, and the simplest course would be to allow election by the non-official members of the Provincial Council, for Muhammadans by Muhammadans and for non-Muhammadans by non-Muhammadans. The scheme is not altogether satisfactory, but no better arrangement suggests itself. It is a matter for consideration whether the landholding and commercial members of the Provincial Council should vote at the elections from the Provincial Council to the Assembly, in view of the fact that they will elect their own representatives direct ; but on the whole, bearing in mind

the desirability of making the Council electorate as large as possible, it seems best not to exclude the landholding and commercial members.

III.—The Council of State.

35. Under the scheme set forth in paragraph 277 of the Report on Indian Constitutional Reforms, the Council of State will contain 21 elected members, of whom 15 are to be returned by the non-official members of the Provincial Councils, two members being allotted to Bengal. The remaining six elected members are intended to represent Muhammadan, landholding and commercial interests throughout India generally, and apparently the regulations for the Muhammadan and landed classes are to be of a fluid character and subject to alteration at each election, after the results of the elections to the 15 elected seats are known. It is not clear how this arrangement would work, and it would be obviously impossible to secure Muhammadans and landholders representative of the whole of India. It is suggested that for the purposes of these six seats, the provinces might be grouped and allowed to elect members in rotation. The same arrangement might be adopted in the case of landholders and Chambers of Commerce. Piecemeal representation of this kind is open to obvious objections, but it would seem preferable to the framing of *ad hoc* regulations on the occasion of each election,—a system which would give rise to much jealousy and heart-burning.

STATEMENT II.

District.	Number of persons paying cess at the rate of Re. 1 and over.			Number of non-agriculturists paying chaukidari tax at the rate of Rs 2 and over			Number of persons entitled to vote at municipal elections				Grand total of proposed voters			Total population			Number of members proposed.			
	Muhammadans	Non-Muhammadans	Total	Muhammadans	Non-Muhammadans	Total	Number of Municipalities	Muhammadan voters	Non-Muhammadan voters	Total.	Muhammadans.	Non-Muhammadans.	Total.	Muhammadans	Non-Muhammadans	Total	Muhammadan constituencies	Non-Muhammadan constituencies	Mixed constituencies	Total.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
BURDWAN DIVISION																				
Burdwan	5,593	31,603	37,196	481	3,919	4,400	6	1,473	6,124	7,597	7,457	41,736	49,193	290,381	1,247,990	1,538,371	1	1	1	4
Birbhum	2,854	12,196	15,050	46	972	1,418	1	157	602	759	3,057	13,770	16,827	222,787	712,686	935,473		1	1	
Bankura	963	29,000	29,963	181	5,873	6,054	3	116	3,553	3,669	1,260	38,426	39,686	51,707	1,086,963	1,138,670			1	
Midnapore	2,321	52,558	54,879	393	5,450	5,843	7	511	6,268	6,779	3,225	64,276	67,501	193,709	2,627,632	2,821,291	1	2	2	6
Hooghly, Howrah—Non-Municipal	4,735	24,921	29,656	1,301	8,529	9,830	.	.			6,036	33,450	39,486	396,726	1,393,991	1,790,717		1		
Hooghly—Municipal	.	.	.	.	.	.	10	1,169	12,092	13,261	1,169	12,092	13,261	25,354	106,128	131,482		1	1	
Howrah—Municipal (Howrah and Bally).	.	.	.	.	.	.	2	1,918	11,410	13,328	1,918	11,410	13,328	47,528	153,872	201,400		1	1	
TOTAL	16,376	150,368	166,744	2,402	24,743	27,145	29	5,344	40,049	45,393	24,122	215,160	239,282	1,138,052	7,329,262	8,467,314	2	8	6	10
PRESIDENCY DIVISION.																				
24-Parganas—Non-Municipal	20,836	71,011	92,747	2,031	6,885	8,916	..	.	.	..	22,867	78,796	101,663	715,317	1,169,772	1,885,590	1	1	.	2
Municipal	..	..	..	.	.	.	28	7,111	27,743	34,854	7,111	27,743	34,854	163,730	384,784	548,514	.	.	1	1
Nadia	5,714	9,425	15,139	1,740	4,396	6,136	9	2,723	9,165	11,888	10,177	22,986	33,163	963,119	654,727	1,617,846	1	1	..	2
Murshidabad	3,623	8,317	11,940	655	2,831	3,486	6	2,022	6,230	8,252	6,300	17,378	23,678	713,152	659,122	1,372,274	1	1	.	2
Jessore	17,762	41,518	59,280	1,547	5,819	7,366	3	918	1,418	2,336	20,227	48,755	68,982	1,087,554	670,710	1,758,264	1	1	.	2
Khulna	10,978	19,684	30,662	506	2,248	2,754	3	898	1,785	2,683	12,382	23,717	36,099	686,441	680,325	1,366,766	1	1	.	2
Calcutta	..	..	..	..		.	1	3,523	31,630	35,153	3,523	31,630	35,153	241,587	654,480	896,067	1	2	..	3
TOTAL	58,913	150,855	209,768	6,479	22,179	28,658	50	17,195	77,971	95,166	82,587	251,005	333,592	4,571,400	4,873,921	9,445,321	6	7	1	14
DACCA DIVISION.																				
Dacca (except Dacca Town)	11,720	15,425	27,145	7,507	10,653	18,160	1	769	1,592	2,361	19,996	27,670	47,666	1,846,185	1,005,666	2,851,851	2	2	.	4
Dacca Town	..	..	..	..	..	.	1	3,922	5,166	9,088	3,922	5,166	9,088	47,295	61,256	108,551	..	..	1	1
Mymensingh	23,060	18,760	41,820	736	5,328	6,064	8	3,824	5,677	9,501	27,620	29,785	57,385	3,824,146	1,202,276	4,526,422	4	2	..	6
Faridpur	20,912	34,270	55,182	1,617	8,223	9,840	2	716	2,195	2,911	23,245	44,688	67,933	1,341,090	780,824	2,121,914	1	1	..	2
Bakarganj	69,183	45,613	113,796	1,071	3,867	4,938	5	796	2,748	3,544	70,050	52,228	122,278	1,693,905	735,006	2,428,911	2	1	..	3
TOTAL	123,875	114,068	237,943	10,931	28,071	39,002	17	10,027	17,378	27,405	144,833	159,517	304,350	8,252,611	3,785,038	12,037,649	9	6	1	16

Chittagong Division.																			
Chittagong	27,194	20,570	47,764	1,699	1,327	3,026	2	2,626	2,993	5,619	31,519	24,890	56,409	1,089,024	419,409	1,508,433	1	1	2	
Tippera	19,625	13,250	33,075	3,951	2,196	6,147	3	1,245	3,390	4,635	25,021	18,836	43,857	1,755,400	674,738	2,430,138	2	1	3	
Noakhali	22,797	7,407	30,204	218	682	900	1	342	523	865	23,357	8,612	31,969	1,000,653	302,037	1,302,690	1	1	2	
TOTAL	69,616	41,227	111,043	5,868	4,205	10,073	6	4,213	6,906	11,119	79,897	52,338	132,235	3,845,077	1,395,584	5,240,661	4	3	7	
Rajshahi Division.																			
Rajshahi	32,246	13,476	45,722	936	2,034	3,020	2	974	1,509	2,483	34,206	17,019	51,225	1,148,314	332,273	1,480,587	1	1	2	
Dinajpur	12,108	10,280	22,388	2,980	4,087	7,067	1	698	1,354	2,052	15,786	15,721	31,507	824,345	863,518	1,687,863	1	1	2	
Jalpaiguri	6,954	18,460	25,414	1,375	1,700	3,075	1	288	693	981	8,617	20,853	29,470	237,456	665,204	902,660	1	1	2	
Rangpur	22,289	24,800	47,189	2,739	3,667	6,406	1	559	1,429	1,988	25,687	29,896	55,583	1,569,090	816,240	2,385,330	1	1	2	
Bogra	7,985	3,798	11,783	288	920	1,208	2	444	748	1,192	8,717	5,466	14,183	810,352	172,215	983,567	1	1	2	
Pabna	9,386	5,105	14,491	1,265	4,116	5,381	2	1,424	2,388	3,812	12,075	11,609	23,684	1,073,078	355,508	1,428,586				
Malda	2,550	1,283	6,833	513	1,846	2,359	3	953	1,484	2,437	4,016	7,613	11,629	505,396	498,763	1,004,159	1	1	2	
TOTAL	93,618	80,202	173,820	10,146	18,370	28,516	12	5,340	9,605	14,945	109,104	108,177	217,281	6,168,031	3,704,721	9,872,752	6	6	12	
Provincial Total																			
Burdwan	16,376	150,368	166,744	2,402	24,743	27,145	29	5,344	40,049	45,393	24,122	215,160	239,282	1,138,052	7,329,262	8,467,314	2	8	.	10
Presidency	58,913	150,855	209,768	6,479	22,179	28,658	50	77,195	77,971	95,166	82,587	251,005	333,592	4,571,400	4,873,921	9,445,321	6	7	1	14
Rajshahi (excluding Darjeeling district)	93,618	80,202	173,820	10,146	18,370	28,516	12	5,340	9,605	14,945	109,104	108,177	217,281	6,168,031	3,704,721	9,872,752	6	6	..	12
Dacca	123,875	114,068	237,943	10,931	28,071	39,002	17	10,627	17,378	27,405	144,833	159,517	304,350	8,272,611	3,785,038	12,057,649	9	6	1	16
Chittagong (excluding the Chittagong Hill Tracts)	69,816	41,227	111,043	5,868	4,205	10,073	6	4,213	6,906	11,119	79,897	52,338	132,235	3,845,077	1,395,584	5,240,661	4	3	..	7
GRAND TOTAL	362,598	536,720	899,318	35,826	97,568	133,394	114	42,119	151,909	194,028	440,543	786,197	1,226,740	23,975,171	21,088,326	45,063,497	27	30	2	59

(2) Note of a discussion with the Governor of Bengal in Council, held at Calcutta, on the 11th January 1919.

The Franchise Committee met the Governor of Bengal (the Rt. Hon'ble the Earl of Ronaldshay, G.C.I.E.), and the Members of his Executive Council (the Hon'ble Sir H. Wheeler, K.C.I.E., C.S.I., I.C.S., the Hon'ble Mr. J. G. Cumming, C.S.I., C.I.E., I.C.S., and the Hon'ble Maharajadhiraja Bahadur Sir Bijoy Chand Mahtab, K.C.S.I., K.C.I.E., I.O.M., of Burdwan).

The following questions were discussed :—

1. The question of materially reducing the electorate by fixing the franchise at Rs. 2 cess payment instead of Re. 1.

Mr. Hailey said that under the Bengal Government scheme there would be some very large constituencies; the local Government considered that they could provide the necessary electoral machinery but he had some doubt as to whether the candidates would be able to canvass their constituencies. If the qualification was raised from Re. 1 to Rs. 2 there would be a reduction of 400,000 voters.

Mr. Banerjea said that in his opinion the proper remedy would be to increase the size of the Council rather than to raise the franchise.

His Excellency said that the local Government were unanimous in thinking that in the circumstances of Bengal the franchise should be as wide as possible, provided that arrangements could be made to poll the votes. If the franchise was fixed at any figure above Re. 1 a large number of substantial cultivators would be eliminated, while the change would tell particularly hardly on Muhammadan interests. They therefore pressed strongly for their original proposal. Some of the constituencies, for instance the 24-Parganas and Bakergunj, were large, but the figures given were probably too high, because no allowance had been made for duplicate entries.

As regards the average area of holdings and rent payable, he would give the Committee a statement containing information on this point.

2. The question whether an educational qualification (e.g., non-student matriculates) should be added as a separate franchise qualification.

Sir Frank Sly said that it had been alleged to the Committee that an educational qualification would assist in solving the difficulty of the junior members of Hindu joint families.

His Excellency said that the local Government were opposed to this proposal on principle because in their opinion votes should be given to persons who had a stake in the country. If one such "fancy" qualification was introduced it would be difficult to resist demands for others. In the opinion of the local Government there was not much substance in the allegation mentioned by Sir F. Sly; if in some cases Hindus did not get votes owing to the existence of the joint family system, cases would also occur in which Muhammadans, owing to their custom of sub-dividing their estates, would be reduced below the franchise standard.

3. The desirability of adding the payment of income tax as a franchise qualification in urban constituencies (including Calcutta).

Lord Southborough said that if this qualification was accepted the difficulty with regard to residents in flats in Calcutta would disappear.

His Excellency said that the local Government had no objection to this proposal. There were some 58,000 income-tax payers in Bengal, of whom 23,000 resided in Calcutta.

4. As regards the qualifications of candidates—

(a) Whether there should be a test of literacy, i.e., ability to read and write; and if so, how it is to be enforced.

(b) Whether there should be a residential qualification; and if so, how to definite "ordinarily resident" (Para. 31 of the local Government's letter).

His Excellency said that under the existing rules for election to the local boards the candidate was required to be qualified as a voter and also to have the qualification of literacy. He thought that in practice the difficulty would not arise, but he was quite willing to delete the latter qualification and leave the

decision to the good sense of the electors. As regards residence, the desire of the local Government was that the representatives of the territorial constituencies should have an interest and stake in their constituency. It was a matter for an expert parliamentary draftsman to decide what form of words would best give effect to this intention.

5. The proposal that the election should last over two days. As an alternative, a proposal to split up some large constituencies into two, e.g.—

(a) 24-Parganas, non-municipal non-Muhammadan, with 78,786 voters.
(b) Bakarganj non-municipal non-Muhammadan, with 52,228 voters.

Lord Southborough said that it had been suggested that the elections should be held on different days in different constituencies, so that the same staff might be available in more than one.

His Excellency said that the local Government agreed they should set it up as their aim that individual elections should be completed in a single day. The difficulty was that in parts of Bengal at certain times of the year locomotion was very difficult, and they could not therefore definitely say that one-day elections would always be feasible.

6. An increase in the proposed number of urban constituencies, particularly for Calcutta city, and by grouping some other municipal towns into separate urban constituencies.

Mr. Banerjea said that in his opinion the number of seats provided for urban constituencies was rather inadequate. The more intelligent men lived in the towns, and full weight should be given to their vote in order to secure the success of the Reforms Scheme. He would like to suggest that 8 seats should be given to Calcutta, 2 to each administrative district. He would also give one seat to Howrah, one to Dacca and 7 to other municipal areas, making a total of 17 in all.

His Excellency said that under the local Government's scheme townsmen could stand for general constituencies, so that the public would not lose the benefit of their services. The ordinary municipality was really a large village, and its interests were not different from those of the surrounding rural areas, so that it was usually unnecessary to arrange for their separate representation. They proposed however to give separate representation to municipalities, such as the industrial area on the banks of the Hooghly, which had special interests of their own. He would agree with Mr. Banerjea as regards Calcutta, if Calcutta was actually only likely to be represented by three members. In reality however Calcutta would be represented through other special electorates, such as the university and commerce, and would in effect get a large amount of representation.

As a concrete case Mr. Banerjea referred to the water-supply of the Krishnagar municipality, and to the question of grants to municipalities in which rural representatives were not interested.

His Excellency said that such questions of water-supply were primarily a matter for the municipality concerned, and not for the legislature.

7. The advisability of abolishing the proposed two mixed constituencies.

As regards the town of Dacca, His Excellency was prepared to agree to one Muhammadan and one non-Muhammadan seat. In the municipalities of the 24-Parganas there were 7,000 Muhammadans and 27,000 non-Muhammadans, and the local Government would agree to the urban representative being elected by the non-Muhammadans and to the Muhammadans voting in the adjacent territorial Muhammadan constituency.

Mr. Hailey drew attention to the fact that this would entail the addition of one more Muhammadan seat, which would raise the percentage slightly above 40 per cent.

8. As regards the landholders' representation, proposals—

(a) to lower the existing high franchise, either by equalizing the qualifications in Western and Eastern Bengal or by reducing the rate throughout;
(b) to reduce the extent of special representation proposed;
(c) to exclude them as candidates and voters from general constituencies.

Sir Frank Sly said that the Committee had received conflicting evidence with regard to the landholders in Bengal.

His Excellency said that they had considered this question again and that they wished to stand by their original proposal. As regards clause (*a*) of the question, it was their deliberate intention that the landholders should be a purely aristocratic constituency. As regards clause (*b*) they only proposed 5 seats, *i.e.*, one for each division. This was very moderate and also convenient; the existing practice whereby a member was returned by the Chittagong landholders and municipalities alternately was an anomaly. Their proposal meant a great reduction in the proportionate representation of landholders, to whom at present 4½ seats were allotted in a Council of 50. They were unwilling to accept clause (*c*) because they were anxious to encourage the big landholders to take part in the political life of the province.

The Maharajadhiraja of Burdwan said that he personally was against any change in the qualification. The different qualifications for Eastern and Western Bengal represented a real difference of circumstances. For the present the special electorate should be retained, in order to encourage the big landholders to take part in public life. Owing to the system of patni taluqs these men were not in direct touch with their tenants. The smaller landholders who were in direct touch with their tenants could come in through the territorial electorates.

9. A proposal to enlarge the proposed University representation, by allotting three members, one to be elected by the Senate and Fellows, one by the Professors of Colleges and of the University, and a third by the registered graduates. Or as an alternative, that one of the seats should be allotted to Muhammadans by an electorate of Muhammadan Fellows, Professors and graduates.

As regards the last part of this question Mr. Aftab explained that the Muhammadans wished to have one Muhammadan competent to represent the interests of Muhammadan education, and for that purpose would be prepared to give up one of their other seats.

His Excellency stated that the local Government could not agree to three seats for the University. Their intention was to get rid of special constituencies as far as possible, and in giving representation to the University they wished to follow the English analogy, that the university representative should be a person of position elected by a large constituency. If they were pressed to accept one or other alternative they would prefer the second. The professors' electorate in the first alternative would contain only about 800 voters. The Dacca University would soon come into existence, and, if the representation of Calcutta University was increased, that of Dacca University would have to be increased also, with the result that the University interest would get altogether disproportionate representation.

10. The extent of representation of European interests and the framing of definite schemes for the representation of (1) jute, (2) shipping, (3) inland water transport, (4) tea, (5) mining, and (6) general commercial interests. The need for separate representation for the Calcutta Port Trust.

Mr. Hogg said that the European evidence favoured 20 per cent. of representation for Europeans, chiefly on economic grounds, but personally he would be prepared to accept the existing 18 per cent. as an absolute minimum. This would give about 15½ members on the Council, and he would ask for 16. Of these the majority (12) might be given to economic interests, and 4 to a general communal electorate. The 12 seats allotted to represent economic interests might be distributed as follows :—

Bengal Chamber of Commerce	4
The jute trade, through the Jute Associations	2
Shipping, through the Liners' Conference	1
The coal trade, through the Indian Mining Association	1
The tea industry, 1 seat for the Indian Tea Association and 1 seat for tea planters on the present franchise	2
The Trades Association	2
TOTAL	12

The question whether the Calcutta Port Trust would need representation on the local Council would depend on whether ports were to be an imperial or a provincial subject. If it was a provincial subject, and if it was found that there was no member on the Council competent to speak on behalf of the Port Trust, it could be represented by nomination. The same remarks applied to the Chittagong Port Trust.

His Excellency said that they had consulted the various interests concerned regarding the distribution of the seats, and until their replies had been received he could not give a final opinion.

10-A. A system under which a limited proportion of the European seats should be reserved for Europeans in mixed electorates.

Mr. Banerjea said that this proposal had some support from a resolution passed by the non-official members of the Council.

Mr. Hogg said that the vast bulk of European opinion was opposed to this suggestion. Every argument which was advanced in favour of it in the case of Europeans could be used in the case of the Muhammadans and the landholders, and, if it was forced on the Europeans against their wishes, it should also be adopted in the case of those other communities.

His Excellency said that in the opinion of the Government of Bengal the system of communal representation must be adopted in order to give representation to various big interests in the province. If the principle was conceded in any case, real communal representation should be granted. There was a very large majority against this proposal and the local Government did not support it.

11. The possibility of framing an electorate for the representation of Anglo-Indian interests.

Lord Southborough said that the definition of the term "Anglo-Indian" was the root of their difficulties in this connexion, and he personally was of opinion that nomination would have to be adopted on the recommendation of some representative Association.

His Excellency said that he personally was inclined to agree with Lord Southborough, but that he would not like to give a definite reply until they had ascertained the views of the Anglo-Indian Associations, which had been consulted.

12. The framing of a definite scheme for the representation of Indian Commerce. The claims of the Bengal National Chamber of Commerce, and the Mahajana Sabha, to participate in such representation; possibly also the Sirajgunj and Naraingunj Chambers of Commerce and the Chittagong Indian Chamber of Commerce.

13. The claim for representation by the Marwari community through the Marwari Association or otherwise.

His Excellency said that there appeared to be some misunderstanding as there was no Chamber of Commerce in Sirajgunj, while that at Naraingunj was a European body. The name of the body at Chittagong was the Chittagong Indian Merchants' Association. The local Government would have to adhere to their original proposals, *viz.*, nomination, unless they received some suitable suggestion from the bodies concerned, who had been consulted. Ordinarily a Marwari would probably be nominated.

14. The question of an increase in the size and proportion of the elected element of the proposed Council in order to provide for any of the above suggestions, if accepted, or otherwise.

15. The conditions (if any) which should, if the proposal to fix the maximum number of seats at 120 be accepted, regulate the allotment of the remaining eight by the Government.

His Excellency said that the Government of Bengal were not wedded to any particular number. They had taken what they considered to be suitable constituencies and had found that the total came to 112. They were not prepared to modify their scheme further merely in order to produce a larger total. Past experience had shown the necessity for a margin in the number of seats prescribed.

Sir Henry Wheeler said that at the time of the redistribution of the provinces in 1912 great difficulty had actually been experienced in dealing with requests for representation on the Councils in the case of the Bengal and Imperial Legislative Councils, which had worked up to their statutory maximum.

Mr. Hailey pointed out that in adding further members to the Council care must be taken to see that there were a sufficient number of officials for the Grand Committee; for instance in a Council of 120 with a Grand Committee of 50 per cent., 21 officials would be required for this purpose, unless the local Government were prepared to rely on the vote of non-official members.

His Excellency promised that the local Government would consider these questions further and communicate their opinion to the Committee

16. The proportion of Muhammadan representation on the Indian Legislative Assembly, in accordance with the Congress-League Compact of one-third or otherwise.

Mr. Aftab pointed out that one-third of the seats on the Indian Legislative Assembly was assigned by the Congress-League Compact to the Muhammadans In some provinces where the Muhammadans constituted a very small minority they would not be allotted one-third of the provincial representation in the Assembly, and this deficiency would have to be made up from provinces like the Punjab and Bengal, where there was a large Muhammadan population

His Excellency quite appreciated the difficulty, but it was scarcely one in regard to which the local Government could give the Committee any assistance.

17. A proposal to increase the number of general representatives from 3 to 4 and to reduce the landholders' representatives by one on the Indian Legislative Assembly.

His Excellency stated that on the whole the Government of Bengal still preferred their original proposal. They considered that direct election to the Assembly in the case of Bengal was out of the question.

---

(3) Letter No. 877-A., dated the 4th February 1919, from the Chief Secretary to the Government of Bengal, to the Secretary to the Reforms Committee (Franchise), regarding the possibility of direct elections to the Indian Legislative Assembly.

I am directed to refer to your letter No. 579 Reforms, dated the 10th January 1919, in which the Reforms Committee (Franchise) enquire what system of direct election the Government of Bengal would favour, should it be considered necessary to recommend such a system for the election of Bengal representatives on the Indian Legislative Assembly.

2. In reply, I am to say that in paragraph 34 of my letter No. 7585-A., dated the 21st December 1918, the Government of Bengal have already submitted their proposals regarding direct elections by the large landholders for the two seats which it is proposed to reserve for them on the Indian Legislative Assembly. The question of the representation of European and Indian commercial interests is under consideration, and you will be separately addressed on this branch of the question. The possibility of securing direct election for the Muhammadan and general seats in the Indian Legislative Assembly has been further considered, but no feasible scheme has suggested itself. As explained in my letter of the 21st December 1918, the adoption for the Assembly of the same franchise qualification as for the Provincial Legislative Council would result in impracticably large electorates. If the qualifications were doubled, the electorates would be reduced by rather more than half, but even then they would still be unmanageably large. In order to devise an electorate with still higher franchise qualifications, complicated and detailed enquiries would be necessary. In any case, the maintenance of two general electoral rolls, one for the Provincial Council based on a low property qualification, and another for the Indian Legislative Assembly based on higher qualifications, would be extremely troublesome, and as only six seats in the Assembly are concerned, it would not be worth while to make such an elaborate arrangement.

3. An alternative means of reducing the electorate for the general and Muhammadan seats would be to form constituencies out of the members of district boards local boards, union committees and municipalities. Under present conditions,

an electorate so formed would contain between two thousand and three thousand persons, though this number will be considerably increased when union boards are substituted for union committees on a large scale after the Village Self-Government Bill, now under consideration, is passed into law. That process will however take some time to carry out, and in any case the electorate would be extremely scattered and in no sense homogeneous, or indeed, relative to the total population, very large. Moreover election by local bodies would be a form of indirect election, and there are obvious objections of principle to converting persons elected to local bodies for purely local purposes into an electorate for the Indian Legislative Assembly. The Governor in Council is fully conscious of the objections which may be urged against his original proposal, but as nothing better suggests itself he is compelled to adhere to it.

---

(4) Letter No. 1162-A., dated the 19th February 1919, from the Chief Secretary to the Government of Bengal, to the Secretary to the Reforms Committee (Franchise), regarding the representation of Indian commerce on the Bengal Legislative Council.*

I am directed to address you on the subject of the representation of the Indian Commercial community in the Bengal Legislative Council.

2. In paragraph 19 of my letter No. 7585-A., dated the 21st December 1918, the general aspects of this question were discussed. Further enquiries have now been made in consultation with the Associations noted in the margin, copies of whose opinions are enclosed.

Bengal National Chamber of Commerce.
Bengal Mahajan Sabha
The Marwari Association.
The Chittagong Indian Merchants' Association.

3. The outstanding features of the correspondence are the absence of all cohesion among different branches of the Indian commercial community; the dislike of any form of general electorate, and the demand for more seats than the local Government have proposed to allot to the community. As regards the last point, the Governor in Council is not prepared to raise the number of seats. The provision of three seats constitutes a considerable advance on existing conditions and is in fair proportion to the other elements on the Council proposed under the local Government's scheme. Further enquiries have been made regarding the possibility of forming a general electorate with an income tax qualification, but the statistics collected, together with the evidence supplied by these papers regarding the absence of all cohesion among the community, have shown the impracticability of any such scheme.

4. It is nevertheless desirable to introduce the elective principle, if possible, and in spite of the obvious drawbacks, the only practicable method seems to be to allot seats to representative Associations. The Bengal National Chamber of Commerce is undoubtedly the foremost Indian commercial body in the Presidency. The list of its members includes all the more prominent Indian business men, and they have interests throughout Bengal. It is already allowed to elect representatives to various public bodies, and it is now proposed that one of the seats allotted for the representation of Indian Commerce should be filled by election by the members of the Bengal National Chamber of Commerce.

5. Demands have been made for the separate representation of mining interests through the Indian Mining Federation. This is a flourishing body affiliated to the Bengal National Chamber of Commerce, and it is claimed that its members control one-third of the total coal output of India. The greater part of the collieries, however, are situated in the province of Bihar and Orissa, and on this account, the association is unsuitable as an electorate for the Bengal Legislative Council. It is not therefore proposed to allot it a seat.

6. It is desirable that a seat should be reserved for the Marwari community in Bengal. They play an important part in the commercial life of the Presidency and their interests differ to a considerable extent from those of the Bengali business men who belong to the other associations. The Marwari Association is a body of good standing, thoroughly representative of Marwari interests, and it is proposed to allot a seat to it.

7. Of the other Associations consulted, the Chittagong Merchants' Association is a small body representing only local interests which are not sufficiently

* This letter was received too late to be considered by the Committee.

important to require separate representation. The Bengal Mahajan Sabha, though it has a fairly large membership, is decidedly inferior in status to the other Calcutta Associations. On the whole, the Governor in Council thinks it best to reserve the third seat for nomination. The interests outside the Bengal National Chamber and the Marwari Association are in fact too vague and scattered to be crystallised in one body, and the reservation of a seat for nomination will enable a representative of moffusil trading interests to be brought into the Council, if a suitable man can be found.

8. It is therefore proposed that of the three seats allotted to the representation of Indian Commerce on the Bengal Legislative Council one should be filled by election by the members of the Bengal National Chamber of Commerce, and another by election by the members of the Marwari Association, while the third seat should be filled by nomination. It is further recommended that if, as proposed by this Government, a seat is allotted to Indian Commerce in Bengal, in the Indian Legislative Assembly, it should be filled by nomination.

LIST.

Letter No. 10, dated the 28th January 1919, from the Secretary, Indian Merchants' Association, Chittagong.

Letter, dated the 29th January 1919, from the Secretary, Bengal Mahajan Sabha.

Letter No. 74-1919, dated the 31st January 1919, from the Bengal National Chamber of Commerce.

Letter No. 14-1919, dated the 31st January 1919, from the Secretary, Marwari Association, Calcutta.

Letter No. 10, dated the 28th January 1919, from the Honorary Secretary, Indian Merchants' Association, Chittagong, to the Chief Secretary to the Government of Bengal.

I have the honour to acknowledge the receipt of your letter No. 185-88A, dated the 8th instant, on the question of the representation of the Indian commercial community in the Bengal Legislative Council under the scheme of Indian Constitutional Reforms.

This Association has always pressed for consideration of the question of mercantile representation on all public bodies and is gratified to find that the matter has been taken up for consideration and the claims have been recognized in so far as three members are proposed to be allotted to represent the Indian commercial interest in the Provincial Council.

The matter was discussed at a special meeting of the members of the Association held on the 13th instant in which the following resolution was passed :—

"This Association is of opinion that the representation of Indian commercial interest in the Provincial Legislative Council is very insignificant at present in proportion to the vested interest of mercantile communities and consequently the number of representatives from the Indian commercial community should be increased and that instead of confining the seat to one nominated member only, as at present, the franchise should be extended to the extent of four seats, and in view of the commercial importance of the Port of Chittagong, which is the only port of Eastern Bengal and Assam, at least one-half of the total number of seats should be thrown open to the Indian mercantile community of this port of which the Indian Merchants' Association is the only representative body. In case four seats are not created and only three seats are agreed upon, this Association be given one seat and the balance to the three Associations of Calcutta. In addition to the number of seats thus created it is also necessary that at least two members representing Indian trade and commerce in Bengal be also nominated by the Government and if one nominated member is decided on, this nomination be made alternately from the traders in the Port of Calcutta and Chittagong.

"The suggestion about forming income-tax as a basis for election does not appear to this Association to be feasible as several complications will arise and will lead to confusion and trouble both in the preparation of voters' list as well as in the holding of election.

"RESOLVED that a reply be sent to the Government on the above terms. Resolved further that the opinions of the Bengal National Chamber of Commerce, the Bengal Mahajan Sabha and the Marwari Association be also invited on the subject."

From the above it will appear that the members consider the desirability of extending the franchise to the existing recognized mercantile Associations and are not in favour of the creation of a constituency of income-tax payers who derive their income from trade and commerce. The members respectfully urge upon the Government to allot the seats in the manner suggested in the resolution.

It is hoped that the matter will receive due consideration and adequate representation will be given to the Indian commercial communities of Bengal to enable them to render proper assistance to the Government in the solution of commercial and industrial problems.

I have the honour to request further that this Association may be informed of the developments that take place in this connection from time to time.

Letter, dated the 29th January 1919, from the Honorary Secretary, Bengal Mahajan Sabha, to the Chief Secretary to the Government of Bengal.

I have the honour, by desire of the Committee of the Bengal Mahajan Sabha, to acknowledge with thanks the receipt of your letter No. 185-88A., dated the 8th instant, on the question of the representation of the Indian commercial community in the Provincial Legislative Council under the scheme of Indian Constitutional Reforms, and in reply, to submit the following observations :—

At the outset my Committee take this opportunity to observe that the letter under reply furnishes an unmistakable evidence, if any evidence is at all necessary, of the genuine desire on the part of Government to satisfy the aspirations of the Indian trading and commercial community in the matter of representation in the new Council. It is needless for them to say that they gratefully appreciate the spirit of sympathy which pervades it.

In inviting the recognized commercial Associations to formulate definite proposals, if any, as to the practicability of introducing separate elective constituencies for representation of Indian trade and commerce, the possibility of a direct discussion between them had been suggested with a view to arrive at a common understanding as to the scheme which could be put forward.

My Committee accordingly set to work at once, and addressed the other three Associations on the 13th instant. They had no reasons to doubt that any of the four Associations could or should fail to appreciate the spirit in which the suggestion had been made.

While the Marwari Association, which had also circulated a letter on similar lines in the meantime, readily supported the idea of a conference. My Committee regret, however, to observe that for reasons better known to them, the Committee of the Bengal National Chamber of Commerce could not discover any "necessity for a discussion." No reply has yet been received from the Committee of the Chittagong Indian Merchants' Association, nor have they made known their views on this subject although requested to do so. My Committee take the liberty to enclose herewith copies of the correspondence* on the subject of a direct discussion with a view to show that every possible endeavour was made by them for carrying out the wishes of Government on this subject. Having failed in their attempt, my Committee had no other choice under the circumstances but to meet the representatives of the Marwari Association, which they did on the 22nd instant. As an outcome of the conference, a broad understanding was reached in the following terms, *viz* :—

(*a*) That three members will not be adequate to secure representation for the Indian commercial community.

(*b*) That the creation of a constituency of income-tax-payers will not be feasible.

(*c*) That the important and recognized Associations, *viz* :—

The Bengal National Chamber of Commerce,
The Bengal Mahajan Sabha, and
The Marwari Association,

should form separate constituencies for electing the representatives of the Indian commercial community.

(*d*) That the local interests of Chittagong may have a reasonable chance of representation through the constituency of the Chittagong Port Trust.

My Committee beg to make it clear that clause (*a*) really represents a compliance with the desire of the Marwari Association to have absolute freedom in demanding as many seats for itself as it might think proper.

With regard to the suggestion for the creation of a constituency of income-tax-payers deriving income from trade and commerce, the Committee beg to offer the following observations. In doing so they are fully sensible of the fact that any electoral architecture which may now be set up will be more or less tentative, and will certainly be liable to overhauling after the lapse of the transitional period.

My Committee are inclined to the view that a scheme for creating a constituency of income-tax-payers will not be practicable in the present state of the country.

In the first place, such an electorate will be necessarily large and unwieldy, and will comprise many voters having an inadequate conception of representative institutions and ideals.

It is a well-known fact that the Indian commercial community has so far remained immersed more in business than politics, and the country population in particular is for the most part ignorant, non-politically-minded and unused to any system of election. My

* Not printed.

Committee apprehend that it would be quite easy for professional politicians [illegible] to a commercial electorate, and capture the seats intended and reserved solely for genuine traders and merchants. Such a danger may be characterised as visionary and remote, but my Committee are sufficiently aware of the insiduous ways in which country politicians proceed in establishing themselves in all positions of vantage in the field of politics. It can safely be expected, however, that in course of time the merchants of all parts of the country will imbibe the new spirit and become quite fit to protect themselves against the inroads of politicians and to take their proper places in the body politic

My Committee find it difficult to support the idea of an electorate of income-tax-payers on another ground

It is well-known that most of the income-tax-payers are firms, and not individuals. The returns as well as statements made by the assessees are confidential documents. There is at present no provision for the registration of firms or their partners. All attempts for enforcing the compulsory registration of partnerships had failed. In an electorate of assessees, the voters will necessarily be these firms more than individuals. Under the Indian law of contract, the death or retirement of a partner causes an immediate dissolution of the partnership even among the surviving partners. Apart from this private firms are constantly recast or wound up by private agreement. In elections, as experience has shown, disputes are likely to be frequent.

It may be anticipated that the unsuccessful candidate will often challenge the qualifications of the firms to vote on various grounds, and embark on litigation, which is bound to lead to an undesirable disclosure of the books of mercantile firms. My Committee consider the above circumstances as constituting one of the difficulties in establishing electorates on the basis of income-tax.

It cannot be denied that the representative commercial associations have so far taken a keen and intelligent interest in all matters of public importance, and it is perhaps no exaggeration to say that they have done much for focussing Indian commercial opinion in Bengal and for cultivating a spirit of citizenship in the community.

It is probably for these reasons that the eminent framers of the Report on Indian Constitutional Reforms have indicated in paragraphs 232 and 273 the desirability of providing for special electorates in the case of trade and commerce.

My Committee are, therefore, of opinion that the creation of constituencies of income-tax-payers deriving their income from trade and commerce, will neither be feasible nor desirable during the period of transition.

After careful consideration they have come to the conclusion that the representative recognized commercial associations should be the constituencies for electing the members for Indian trade and commerce in the Provincial Legislative Council. Any scheme for constituting the members of the different eligible recognized associations, each having one vote irrespective of the amount paid as income-tax, into a joint electorate for returning all the representatives, will be open to the serious objections that in such case the association or associations more favourably placed in respect of numerical strength, will swamp the less fortunate member of the group for all time to come.

Before dealing with the question as to how many associations should be recognized as eligible for electorates, and in what manner the franchise should be exercised by them, my Committee crave indulgence to submit at the outset that in their view, each association should be a distinct and separate constituency for electing a representative in Council.

The four associations, which have been addressed on the subject, are the Bengal National Chamber of Commerce, the Marwari Association, the Bengal Mahajan Sabha and the Chittagong Indian Merchants' Association. They were established in 1887, 1898, 1905 and 1907, respectively, and as far as my Committee have been able to ascertain, 120, 105, 300 and 35 represent the approximate strength of their respective membership. The Bengal National Chamber of Commerce aims at the protection of the commercial and general political interests of Indian traders, and the Bengal Mahajan Sabha has in view the promotion and advancement "by all lawful means of the trade, commerce and industries in Bengal." The Marwari Association tries to protect the interests of the Marwari community, and the Chittagong Indian Merchants' Association is concerned purely with questions of local interest.

If three seats are reserved for the representation of the Indian commercial community in the new Council, my Committee venture to submit with great respect that the Bengal National Chamber of Commerce, the Bengal Mahajan Sabha and the Marwari Association should each constitute a separate constituency for electing the three members.

Under the regulations made by the Government of India in exercise of the power contained in section 6 of the Indian Councils Act, 1909, it is provided that of the 28 members, one is to be elected by the Port Trust of Chittagong. My Committee are informed that altogether about 14 mercantile firms carry on business in the town of Chittagong, and that the Indian Merchants' Association is represented in the Local Port Trust.

If, however, the existing right of the Chittagong Port Trust to elect one member is retained under the Reforms Scheme, an avenue will certainly remain open to the Indian Merchants' Association for representing the local interests in the new Council.

My Committee venture to hope that in view of the fact that several local mercantile associations in important places like Narayanganj, Mymensingh, Bhairab and Jhalakati co-operate with them, and that different important branches of Indian trade, such as salt, tea, jute, oil, shipping, piece-goods, spices, coal, hardware, lime, country produce, etc., in all parts of Bengal are represented in the Bengal Mahajan Sabha, one seat should be reserved for the Bengal Mahajan Sabha in the new Council.

Letter No. 74-1919, dated Calcutta, the 31st January 1919, from the Honorary Secretary, Bengal National Chamber of Commerce, to the Chief Secretary to the Government of Bengal.

In your letter No. 185-88A., dated the 8th January 1919, on the question of the representation of the Indian commercial community in the Bengal Legislative Council you stated that the Government of Bengal have provisionally proposed to the Reform Committee that three seats should be reserved for the representation of the Indian commercial community in the new Council and requested the Committee of the Bengal National Chamber of Commerce to formulate definite proposals on the subject of creating elective constituencies for the election of the members, suggesting the possibility of direct discussion with the three other bodies mentioned in your letter, observing that it would assist matters if all the four bodies could arrive at some common agreement as to the scheme which they would wish to advocate.

As you are aware, a deputation of the representatives of the Bengal National Chamber of Commerce waited on the Hon'ble Sir Henry Wheeler, K.C.I.E., C.S.I., I.C.S., on Wednesday, the 15th January 1919, and explained to him the views of the Chamber on the several points raised in your letter under reply

The Committee had thought that no further reply to your letter would be needed, and in fact they have very little to add to the observations made during the course of the above-mentioned interview, when the wide and essential difference in the constitution and the representative character of the four bodies mentioned in your letter and the impossibility of arriving, by direct discussion, at a common agreement on the questions raised in your letter, was explained. Besides, as there are numerous other trades associations of undoubted superior status and usefulness to some of the bodies mentioned in your letter, it would not have been proper for the Committee of the Chamber to ignore them while entering into discussion with the three bodies named by you.

It is stated in the letter under reply that the creation of a constituency of income-tax payers, who derive their income from trade and commerce, has been suggested to Government.

This question was raised by the Committee in their memorandum submitted to the Franchise Committee on the 7th December 1918, and they desire to reiterate the observations then made in showing the impracticability and undesirability of adopting such a course.

It would not be practicable to form a general electorate of the commercial community, as such an electorate can only properly be formed on the basis of commercial and industrial income; but neither the records of the income-tax nor the books of the individual merchant and industrial men can be revealed to the public, as would be necessary to do, when the competency of an elector would be challenged, without incurring the risk of serious injury to the parties concerned. Besides, the commercial and industrial people will be included in the general territorial electorates, which will preclude the necessity of forming again a separate general electorate with such people. It is, however, essential that there should be commercial and industrial representatives of wide experience and mature judgment in the Council, so that the Government may have always the advantage of their experience for the proper administration of the branches relating to commerce and industry. To ensure this, the representative Chambers of Commerce and Trades and Industrial Associations should be empowered to elect members to the various Councils.

In proposing to reserve three seats for the representation of the Indian commercial interests in the reconstituted Council, it is hoped by the Government that it would be feasible to create separate elective constituencies for the representation of its diverse interests. The Committee are of opinion that three seats would be quite inadequate to allow representation in the Council even of only the most important commercial and industrial interests of the Indian community.

An adequate representation of the various interests of the Indian commercial community in the new Council is specially needed now when the Government propose to take vigorous action for the development of the commerce and industry of the country. It is to be remembered that the reconstituted Council will, for all practical purposes, be a parliament, in which, if the interests of commerce and industry be not properly and adequately represented, the chance is that they would be overlooked and would consequently suffer. In this view the Committee suggested to the Franchise Committee to reserve at least seven seats for the Indian commercial community in the new Council to be allotted in the following way :—

	Seats.
The Bengal National Chamber of Commerce	4
The Marwari Association	1
The Chittagong Indian Merchants' Association	1
The Indian Mining Federation	1

The Bengal National Chamber of Commerce was established in 1887 and is the premier institution of the Indian commercial community in Bengal. It will appear from the enclosed list* of its members that all the leading Indian commercial and industrial firms and persons in every important branch of trade and industry are members of the Chamber. The members have their head offices in Calcutta and sub-offices all over the province and outside, in all the principal supplying and distributing marts and centres. The traders dealing in the principal articles of trade, such as rice, jute, oil, coal, etc., have several associations, one each, in each of their respective marts in Calcutta. All these associations are represented in the Chamber by their Presidents who are its members. The Chamber has been actively engaged, since its establishment in 1887, for all these 31 years, in protecting and furthering the various interests, specially of the commercial community of the province, and it is gratifying to the members of the Chamber that the Government have, on several occasions, been pleased to speak in highly appreciative terms of the activities and usefulness of the Chamber The Committee remember with pride the observations made by Lord Hardinge in reply to their address of welcome presented to him on his assumption of the Viceroyalty of India :—

> "I can speak the more frankly to you, Gentlemen, because I feel that you represent some of the most substantial interests of the community and the most sober sense of this ancient Presidency. I say this in no spirit of idle flattery and I think that my words are justified by a reference to your Chairman's speech of two years ago, when sane opinions were not so frequently to be met with, at any rate in public, as they are, I am thankful to believe, at the present moment.
>
> You are constantly consulted by Government on questions affecting not only the commercial community but also the general welfare of the people You have given useful and valuable advice, you have shown a spirit of loyalty and your influence has always been on the side of law and order. I believe that you maintain cordial relations with your friends of the Bengal Chamber of Commerce, and I am told that you strive to maintain a high standard of business integrity."

In recognition of the importance and the representative character of the Chamber, the Government have, on very many occasions, kindly called upon it to be represented on the various Boards and Committees appointed from time to time—a privilege never conceded to any other Indian Association of the Province. At present the Chamber is represented on the following Boards and Committees :—

Calcutta Improvement Trust	The Hon'ble Rai Sitanath Roy Bahadur.
Calcutta Port Trust	Mr. N. C. Sircar.
Waterways Standing Committee . . .	The Hon'ble Rai Sitanath Roy Bahadur.
Calcutta Smoke Nuisance Prevention Committee	Mr. J. N. Chunder
Government Commercial Institute Board .	Babu Amulya Dhone Addy.
Committee to control the withdrawal of capital from money markets by companies	Mr N. C. Sircar.
Eastern Bengal Railway Local Consulting Committee	The Hon'ble Raja Reshee Case Law, C.I.E., and Babu Lachmipada Singh.
East Indian Railway Local Consulting Committee	The Hon'ble Raja Reshee Case Law, C.I E.
Agricultural Association	The Hon'ble Rai Sitanath Roy Bahadur and Rai Srinath Pal Bahadur.
State Technical Scholarship Board . .	Mr. N M. Choudhury.
Local Committee to assist the Employment of Labour Board	Mr. N. C. Sircar.

Under the present arrangement the Indian commercial community is represented in the Legislative Council by a member nominated by His Excellency the Governor. But in making the nomination, His Excellency was pleased to consult the Chamber and nominated, on the last two occasions, their President, the Hon'ble Raja Reshee Case Law, C.I E. On two previous occasions, once for the Bengal Council and once for the Eastern Bengal Council, the Honorary Secretary to the Chamber, the Hon'ble Rai Sitanath Roy Bahadur, was nominated by the respective Government to represent the Indian commercial community on the Provincial Councils.

On the apprehension that it might not be found practicable at once so to enlarge the constitution of the Provincial Council as would allow adequate representation of the various interests of the Province, the Committee proposed four seats only for the Bengal National Chamber of Commerce to make room for the representation of the principal interests represented in the Chamber.

The Marwari Association.—This is an association consisting almost exclusively of the people of Bikanir trading in Bengal. It has a considerable influence on the local and mufassal

* Not printed.

piece-goods trade which is also largely financed by its members. On this consideration one seat was proposed to be allotted to this Association.

The Chittagong Indian Merchants' Association.—As the Port of Chittagong has some importance of its own, it was proposed that one seat might be allotted to the Chittagong Indian Merchants' Association, though this is a small and not a very important body.

The Indian Mining Federation.—Of the Indian industrial associations of the Province the Indian Mining Federation is the most important and representative body having 259 members with 331 collieries in Bengal and Bihar and Orissa and commanding one-third the whole output of coal of the country. It has branches in all the principal coalfields and is doing very useful work. In view of the variety of interest involved in the Mining Industry and its importance in the industrial development of the country, it was proposed that two seats might be allotted to this industry—one to the Indian Mining Federation and one to the Indian Mining Association.

Besides the abovementioned associations the Committee are not aware of the existence in Bengal of any other Indian commercial, trading or industrial associations of any importance to which the Government might agree to concede the privilege of returning a representative to the Council.

In submitting their proposal the Committee took into account the importance of commerce and industry in the material welfare of the country and the comparative claim for representation of the several representative commercial, trading and industrial associations in the Provincial Council. The Committee are not aware to what extent the Council may be enlarged under the Reform Scheme. If it be found impossible to accept the proposal of the Committee in its entirety, they earnestly pray that, in consideration of the variety and importance of the interests represented in the Bengal National Chamber of Commerce, the Chamber be allowed to elect at least three representatives on the Bengal Provincial Council. The Indian Mining Federation is a very strong, useful and representative industrial association having in its roll almost all the Indian collieries in Bengal and Bihar and Orissa. The Federation should be allowed to elect one representative and one seat might also be conceded to the Marwari Association.

Letter No. 14-1919, dated the 31st January 1919, from the Honorary Secretary, Marwari Association, to the Chief Secretary to the Government of Bengal.

I am directed by the Marwari Association to acknowledge the receipt of your letter No. 185-88 A., dated the 8th January 1919, on the question of the representation of the Indian commercial community in the Bengal Legislative Council under the scheme of Indian Constitutional Reforms.

2. My Association note that the Government of Bengal have provisionally proposed to the Committee, now engaged in considering the question of franchise and electorates, that three seats should be reserved for the representation of the Indian commercial community and that with this number, the Government consider, it may be feasible to create separate elective constituencies for the election of members. They further note that the creation of a constituency of income-tax-payers, who derive their income from trade and commerce, has been suggested. An expression of their opinion having been invited on these proposals, my Association, after careful consideration, desire me to observe as follows.

3. At the outset, I may mention that so far as the Association have been able to ascertain, neither the Bengal National Chamber of Commerce nor the Bengal Mahajan Sabha, the two representative bodies in Calcutta with whom direct discussion was suggested in your letter, consider that three members will be sufficient to secure the adequate representation of the Indian commercial community or that the creation of a constituency of income-tax-payers will be feasible, and my Association are quite in accord with them in this view.

4. My Association, however, quite agree that owing to the diversity of interests, it is necessary that separate elective constituencies should be created for the election of representatives of the Indian commercial community. In all their representations on the subject of the representation of the interests of the Marwari community, submitted to the Government since the adumbration of the Morley-Minto Reform Scheme, my Association have earnestly advocated the creation of such constituencies as a matter of necessity and of allotting sufficient seats to the Indian commercial community to secure its proper representation. My Association have keenly felt the want of such constituencies as a grave injustice which has led to the non-representation of the important interests of the community they have the honour to represent. Not only has the Marwari community been debarred in consequence from sharing the fundamental rights of citizenship with its sister communities but has also suffered in many other ways. The Association feel gratified that the Government have recognized the desideratum and hope that the opportunity created by the Reform Scheme will be fully availed of to remove the same and the consequent discontent and that every necessary facility will be provided for the adequate representation of the interests of the Marwari community in the new Council.

5. I am now to deal with the question of the number of seats that should be allotted to the Indian commercial community. My Association are not aware if any steps have ever

been taken to ascertain the real needs, in this respect, of Indian trade and commerce which is the life blood of the Indian nation. Nor is there any indication in your letter under reply as to how the number proposed to be reserved for this community has been arrived at. In the circumstances, my Association feel inclined to set down the allotment to guess, probably to keep the numerical strength of the Council to a certain low maximum already fixed. My Association are, however, opposed on principle to the practice of first fixing the maximum and then adjusting the same to the various interests The inevitable effect of this practice has hitherto been the non-representation or only partial representation of many important interests and minorities and, for this reason, His Excellency the Viceroy and the Secretary of State have deprecated this practice in their report on Indian constitutional reforms. The total absence of the representation of the interests of the Marwari community, although their claim to representation has often been admitted on the ground of importance, is attributable among other reasons to this practice

6. The Government is surely well aware that the liberal principles, which His Excellency the Viceroy and the Secretary of State, following the principles that obtain in other progressive and advanced countries, have laid down for the administration of this country, and the clear recommendation they have made for the creation of representative institutions in their elaborate report, have naturally led the people to hope for the early improvement of the present Council into one of a truly representative character which will allow of a closer and larger association of the people with the work of Government and of their active participation in the conduct of the country's affairs. Nothing, my Association submit, could be more regrettable, more unfortunate or fraught with possibilities of evil consequences than that disappointment should come in place of this hope as a result of the reconstitution of the Council on a narrow basis, leaving important interests and minorities unrepresented or inadequately represented in it In the opinion of my Association, it will not be consistent with the policy and principle which a progressive Government should follow

7. The best and the only solution of the problem lies in carefully studying the needs of all the various interests and in arriving at a maximum of the numerical strength of the Council by allotting sufficient seats to each of them The numerical strength of the House of Commons is determined on this principle and they fail to see why a departure, calculated to leave progressive peoples and rising interests wholly unrecognized and without any provision for their future recognition, should be made in this country My Association fear that adherence to the practice hitherto prevalent will interfere with the successful working of the whole scheme of reforms and they beg therefore to urge, with all the emphasis at their command the desirability of following the British system, even though it may result in a larger Council than the Government would otherwise wish it to be

8. My Association thankfully appreciate the desire of the Government to encourage the development and growth of industries, banking and high class trade and commerce in India through Indian capital, Indian management and Indian skill. To give effect to this beneficent desire it is highly essential that the Indian commercial communities should be treated justly and associated more closely with the Government of the country to enable them to be increasingly responsible for its material progress They have, however, been unfairly treated hitherto and, so far as the interests represented by this Association are concerned, they have been, as I have already pointed out, utterly neglected In fact, as stated in your letter under reply, there are diverse interests that require representation. My Association have therefore no hesitation in saying that the allotment of three seats to the Indian commercial community in Bengal will be sorely inadequate With less than five members, it will be impossible to secure anything like the proper representation of the Indian commercial community even for the present My Association therefore beg strongly and respectfully to urge that at least five seats be reserved for the representation of the Indian commercial community in the Council, and to suggest that the election of the members be left to the important and recognised Associations of that community as under —

(a) two members by the Marwari Association ;
(b) two members by the Bengal National Chamber of Commerce , and
(c) one member by the Bengal Mahajan Sabha

9. The trade of the interior of Bengal also is to a large extent represented by the above bodies, which are indeed representative of various interests, and by constituting them into separate elective constituencies for the election of members, it will be quite possible to secure the representation of the Indian portion of the trade and commerce of Bengal. To give them a wider field for choice, it may be provided that the three bodies need not elect their representatives from amongst their own members only. As regards the local interests of Chittagong, they are, so far as the information of my Association goes, represented in the Council through the local Port Trust. If, however, the Government can see their way to allot more than five seats to Indian trade and commerce, my Association will cordially support the creation of commercial bodies in the interior also into separate elective constituencies. It is necessary to point out here that by asking for two members to be elected by them, my Association are not asking for a majority, having regard to the fact that they suggest the election of three members by the two other bodies. Furthermore, while members of the other Indian communities

will find election through other electorates also, Marwari members will have absolutely no such chance.

10. In view of the growing importance of the interests of the Indian commercial community, my Association earnestly hope that the Government will see the justice of allotting five seats to it in the Council, even if it involves an increase in the strength of the Council by two members. In case, however, the Government do not see their way to allot more than three seats, my Association are of opinion that the only way to secure the return of the best men would be to allow them to be elected as follows :—

(a) one by the Marwari Association ;
(b) one by the Bengal National Chamber of Commerce ; and
(c) one by the Bengal Mahajan Sabha.

11. As I have already stated, my Association regard the proposal of creating a constituency of income-tax-payers with disfavour. Involving, as it will do, a wearisome tour all over the large province to come in touch with the electors and to secure votes, it will be a discouragement to all really able men to stand for election. If, however, the creation of such constituencies be decided upon, my Association do not think it will be practicable to extend their territorial limits beyond Calcutta. After anxious consideration my Association have come to the deliberate conclusion that such constituencies, to be useful, should be small in size, but as that will involve a large increase in the number of seats which, the Association fear, the Government will not be prepared to allot Indian commerce at present, they think that the suggestion they have put forward, namely, the constitution of the three public bodies of Calcutta into separate elective constituencies, is the only practical one.

12. The Association cannot conclude their reply to your letter without once again drawing the attention of the Government to the serious inconvenience under which the Marwari community labours for want of representation in the Council. The claim of the community to representation, as I have already stated, has always been admitted to be just, but all the same, under the inflexible regulations in force, that claim has remained unrecognized. As the Government is aware, the interests of the Marwari community are twofold, namely, as citizens and as merchants, and both these interests are closely connected with each other. My Association strongly feel that the community needs and deserves special representation. Some of their reasons for asking for special representation were explained in the statement of their representative selected to give evidence before the Franchise Committee. A copy of the statement is attached herewith for easy reference and may be read as part of this representation.

13. It was submitted in that statement that at least five members would be required to adequately represent the interests of the Marwari community. My Association adhere to that view and submit that the number is neither too large nor unreasonable. In this connexion I am also to state that when the representative of the Association gave evidence before the Franchise Committee it was put to him that according to the census report, there were only 20,000 Marwaris in Calcutta and 16,000 in the interior of Bengal. The figures given in the Census Report are, however, only of persons born in Rajputana and not of those born in British India. In fact, no statistics are available of the Marwari population of Bengal, but my association believe they would not be overstating the number by saying that there are about one lakh of Marwaris in Calcutta and several lakhs outside Calcutta, scattered all over Bengal and engaged in trade and commerce. Being however, in the minority everywhere, there is absolutely no chance of a Marwari member being ever returned to the Council unless special representation is allowed. My Association therefore beg earnestly to request that at least five seats may be allotted to the Marwari community in the new Council. Otherwise, the Association fear, the interests of the community are bound to suffer, as hitherto, from apathy and neglect.

---

(5) Letter No. 1303 A, dated the 22nd February 1919, from the Chief Secretary to the Government of Bengal, to the Secretary to the Reforms Committee (Franchise), regarding the representation of European interests on the Bengal Provincial Council and the Indian Legislative Assembly.*

I am directed to address you on the subject of the representation of European interests in the Bengal Legislative Council and the Indian Legislative Assembly.

2. In paragraph 26 of my letter No. 7585-A., dated the 21st December 1918, it was stated that the final opinion of the Government of Bengal on the subject of representation of the European interest in the Bengal Legislative Council would be given after consultation with the interests concerned. The Governor in Council accordingly invited the opinion of the bodies noted in the margin, copies of whose replies as well as of the letter addressed to them by this Government are enclosed.

Bengal Chamber of Commerce.
European Association, Calcutta.
Calcutta Trades Association.
Chittagong Chamber of Commerce.
Narayanganj Chamber of Commerce.

* This letter was received too late to be considered by the Committee.

3. The main features of the Bengal Government's scheme have been accepted by all the bodies concerned, namely—

(1) Ten members to be elected to represent various commercial interests.
(2) One member to be elected by the Calcutta Trades Association.
(3) Four members to be elected by a general European constituency comprising all Europeans paying income-tax.

It remains to consider certain details under the first and third heads.

4. The allocation of the ten seats for commercial interests tentatively proposed by this Government was as follows :—

	Seats
Jute trade	3
Shipping	1
Inland Water Transport	1
Tea	1
Mining	1
General Commercial interests	3
TOTAL	10

The Bengal Chamber of Commerce point out that the firms engaged in shipping and inland water transport are too few in number to form constituencies, and that the Jute Mills Association are the only body connected with the jute trade which can suitably form a European constituency. They propose therefore to allocate three more seats to general commercial interests which will thus be represented by six members, all of whom, it is proposed, should be elected by the Chamber of Commerce. The constituencies under the Chamber's scheme will therefore be—

	Seats.
Jute Mills Association	2
Indian Tea Association	1
Indian Mining Association	1
Bengal Chamber of Commerce	6
TOTAL	10

The European Association support this allocation. The Narayanganj Chamber of Commerce desire that a non-official European should continue to represent the commercial interests of Eastern Bengal in the local Legislative Council, but they make no proposals for an electorate. The Chittagong Chamber of Commerce are apparently satisfied with the existing representation through the Chittagong Port Commissioners, but suggest that the Chittagong Chamber should be given representation on the Council later on, when European offices in Chittagong are again fully staffed.

5. The Governor in Council does not think it either practicable or necessary to give separate representation to European commercial interests in the mufassal. There has always been a difficulty in finding a suitable person to fill the seat in the existing Council, which is reserved for the representation of European Commerce outside Calcutta and Chittagong and, as the Chittagong Chamber of Commerce point out, the Chittagong seat is at present held by the Agent of the Assam-Bengal Railway, owing to the impossibility of finding any European engaged in commerce suitable and willing to hold it. The fact is that Calcutta dominates European Commerce throughout Bengal, and the European business men at the outlying centres are for the most part merely the agents or subordinates of Calcutta firms. Commercial interests in the mufassal will therefore be adequately represented through the Bengal Chamber of Commerce, and general European interests in the mufassal will, under the Bengal Government's scheme, secure representation through the general electorate.

6. The representative of the tea industry is at present elected by the managers of tea gardens in Darjeeling, Jalpaiguri and Chittagong with an area of 100 acres

or more under tea cultivation. The Indian Tea Association ask that two members should be allotted to the tea industry, one to be elected by the Association to represent proprietary interests, and the other to be elected by the managers of tea gardens as at present. If only one seat is given, the Association urge that it should be allotted to them. The Chamber of Commerce are not prepared to give the tea industry two seats out of the ten reserved for commercial interests, and if, as proposed by the local Government, Darjeeling is excluded from the scope of the Reforms Scheme, it would not be justifiable to reserve two seats for tea interests. The existing tea garden electorate is as follows :—

	Number of voters.
Darjeeling	113
Jalpaiguri	132
Chittagong	10
TOTAL	255

If Darjeeling is omitted, the mufassal tea interests in the Presidency, so far as they are affected by the Reforms Scheme, will be practically confined to Jalpaiguri and these local interests cannot be compared with the more important interests of the proprietary firms in Calcutta.

The Governor in Council agrees therefore that the seat allotted to the tea industry should be filled by election by the members of the Indian Tea Association.

7. His Excellency in Council is consequently prepared to accept the scheme of the Chamber of Commerce for the allocation of the ten seats among different commercial interests. It is open to the objection that it gives undue predominance to the Chamber and to its affiliated Associations, but these are all strong and capable bodies, thoroughly representative of all branches of European commerce throughout Bengal, and in existing conditions the leaders of commerce and industry will be more suitable representatives of European commercial interests than their agents and subordinates.

8. As to the general European constituency, there are two points of difference between the Chamber of Commerce and the European Association—(1) as regards the definition of European British subject, and (2) as regards the formation of constituencies.

On the first point, the European Association object that the definition of European British subject in the Code of Criminal Procedure would bring in persons of non-European descent. They propose a definition which would cover European British subjects of European descent having a domicile outside India. The Chamber of Commerce would accept the definition as laid down in the Criminal Procedure Code, subject to certain modifications. The European Association's point of view is that the definition in the Criminal Procedure Code includes persons belonging to the native races in the colonies, as well as the children and grandchildren of Indians born in the colonies, and that the European electorate would be liable to be swamped by a number of such persons coming over from the colonies and claiming a vote in the European constituency. The danger is at the moment theoretical rather than actual, but the Governor in Council is inclined to think it would be well to guard against it, if possible. The question of the definition to be adopted has been referred for legal opinion, and you will be further addressed on the subject after that opinion has been obtained.

9. As to the general European electorate, the European Association propose that all four members should be elected by a joint constituency. On the other hand the Chamber of Commerce propose that two seats should be allotted to the Presidency and Burdwan Divisions, one seat to the Rajshahi Division, and one seat to the Chittagong and Dacca Divisions. The object of the Chamber is to secure representation of mufassal European interests, and they urge with some force that if the four members are returned by a common electorate there is a considerable danger that only Calcutta men will be returned. This would be all the more undesirable, because the representation of commercial interests will practically be in the hands of Calcutta men. The income-tax statistics do not in all cases differentiate between Europeans and Anglo-Indians, and the Calcutta income-tax office, which is the most important, has unfortunately been unable to supply separate figures at all. Excluding Anglo-Indians where possible, the size

of the constituencies proposed by the Chamber of Commerce may be estimated roughly as follows :—

	Number of voters.
Presidency and Burdwan Divisions	12,300
Dacca and Chittagong Divisions	300
Rajshahi Division	120
TOTAL	12,720

Even allowing for the fact that the Calcutta figure (11,500) includes a certain number of Anglo-Indians, it is clear that Calcutta has an absolute predominance of voters, and that none but Calcutta men would have any practical chance of securing election under the proposal of the European Association. European mufassal members have proved very useful in the Legislative Council in the past, and it is desirable to give them opportunities of entering it in the future. In spite, therefore, of the disparity in the size of the constituencies the Governor in Council prefers the scheme of the Chamber of Commerce to that of the European Association.

10. The Local Government's proposals for the representation of European interests in the Provincial Legislative Council may be summed up as follows :—

Interests.	Constituency.	Number of seats.
Jute	Jute Mills Association	2
Tea	Indian Tea Association	1
Mining	Indian Mining Association	1
General commercial interests	Bengal Chamber of Commerce	6
Retail Trade	Calcutta Trades Association	1
General European interests	European income-tax payers in—	
	Presidency and Burdwan Divisions	2
	Dacca and Chittagong Divisions	1
	Rajshahi Division	1
	TOTAL	15

11. In paragraph 33 of my letter No. 7585-A., dated the 21st December 1918, the Government of Bengal have proposed that two seats in the Indian Legislative Assembly should be allotted to European commerce in Bengal. The Governor in Council now recommends that these two seats should be filled by election by the members of the Bengal Chamber of Commerce.

Letter No. 180-84-A., dated the 8th January 1919, from the Chief Secretary to the Government of Bengal, to the Secretary, Bengal Chamber of Commerce : European Association, Calcutta ; Calcutta Trades Association ; Chittagong Chamber of Commerce ; and Narayanganj Chamber of Commerce.

I am directed to say that the Government of Bengal have provisionally proposed to the Committee that has been appointed to consider the question of franchise and electorates under the Reform Scheme that seventeen seats should be allotted for the representation of European and Anglo-Indian interests, being roughly the same proportion of seats that are allotted in this way in the existing Council. Of the seventeen members, it is tentatively suggested that four should be elected by a general European constituency comprising all Europeans who pay income-tax, two seats being allotted to Anglo-Indians, and one to the Calcutta Trades Association. The remaining ten seats might be reserved for the representation of European commercial interests.

2. In the existing Council, two members are elected to the Bengal Legislative Council by the Bengal Chamber of Commerce, and one member by the managers of tea gardens with an area of not less than 100 acres under tea cultivation in the districts of Darjeeling, Jalpaiguri and Chittagong. One member is also elected by the Commissioners for the Port of Chittagong, and in addition one of the Governor's nominations is reserved under the regulations for a representative of European interests outside Calcutta and Chittagong. In view, however, of the wider representation which it will now be possible to give to European commercial interests, it is thought that the two latter seats might be abolished. As regards the tea industry, it has been proposed to exclude Darjeeling from the scope of the Reform Scheme, and, if so, an increase in the representation of tea-planting interests would hardly be justified.

3. It has been tentatively suggested that the ten seats allotted to European commercial interests might be distributed somewhat as follows :—

Different branches of the jute trade	3
Shipping	1
Inland Water Transport	1
Tea	1
Mining	1
General commercial interests	3
TOTAL	10

The Governor in Council would be glad to have the opinion of the Chamber—Association on this scheme and to consider any alternative which they may wish to put forward. In the case of each interest which is proposed for separate representation, it would be convenient if an indication of the nature and approximate size of the constituency which it is proposed to form could be given. If it should be impossible to form a constituency for any interest which requires representation, it will be necessary to resort to nomination, but the Governor in Council would much prefer to leave each interest to elect its own representative, if this can be arranged.

4. The Calcutta Port Trust has asked for representation on the Council, but the general principle of the Reform Scheme is to do away with the special representation of corporate bodies of this kind, which, though entrusted with important functions, must necessarily consist of only a limited number of members. If the seats allotted to European commerce are properly distributed, there should be no difficulty in securing members capable of safe-guarding the interests, both of the Calcutta and of the Chittagong ports in the Council. The point is, however, one on which the Governor in Council would be glad to have the opinion of the Chamber—Association.

5. As regards the general European constituency it appears from statistics that have been collected (copy enclosed) that out of about 22,300 European British subjects in the province, about 15,000 pay income-tax, 11,500 of the latter being in Calcutta alone. It has been suggested that the income-tax qualification would form a suitable basis for a general European electorate composed of European British subjects as defined in the Code of Criminal Procedure. This would probably include a certain number of well-to-do Anglo-Indians, but it would be difficult to exclude them entirely from a European constituency. Government would be glad to have the opinion of the Association on the suitability of the qualification proposed for the general European electorate, and also on the question whether there should be one constituency for the whole community, or whether the electorate should be divided into four separate groups for the purpose of election, and in the latter case, what separate constituencies could suitably be formed.

6. As the Reform Committee have asked that a detailed scheme may be submitted, as soon as possible, it is requested that your reply to this letter may, if possible, reach Government by the 31st January 1919. A similar letter has been addressed to the Bengal Chamber of Commerce, European Association, Calcutta, Calcutta Trades Association, Chittagong Chamber of Commerce Narayanganj Chamber of Commerce, and it would assist matters if the various interests concerned could arrive at some common agreement regarding the scheme which they wish to advocate. I am to suggest the possibility of direct discussion between them towards that end, and should a private meeting be arranged and if it is thought that the presence of the Chief Secretary to the Local Government would be of any assistance in supplying information, etc., the Governor in Council would be quite willing to allow that officer to attend.

To Bengal Chamber of Commerce only.

[7. The Indian Tea Association and the Indian Mining Association have not been addressed direct as it is understood that the Chamber will be in a position to ascertain their views.]

Letter No. 1658, dated Calcutta, the 31st January 1919, from the Secretary, European Association, Calcutta, to the Chief Secretary to the Government of Bengal.

In reply to your letter of the 9th instant, I have the honour to submit, by desire of my Council, the following observations on the reform proposals of the Government of Bengal.

2. On behalf of my Council, and in accordance with the Government's suggestion, I have exchanged opinions with representatives of the Bengal Chamber of Commerce and of other European interests, and my Council has reconsidered the Government's proposals in the light of those opinions before directing me to reply to the Government in this sense.

3. *Communal Representation of Europeans.*—(*a*) The definition of "European," for electoral purposes, favoured by my Council, is :—"Every person of European descent, being a British subject, who has a domicile in the British Isles or in the Dominions of Canada, Australia and New Zealand or in the Union of South Africa, or whose father, up to the date of the birth of the applicant for registration as a voter, had such domicile."

My Council objects to adoption of the Criminal Procedure Code definition, which was framed for a totally different purpose, and which would admit to the European communal electorate persons of wholly non-European descent. It considers that domicile will ordinarily be easy to establish, and that Europeans whose own domicile is doubtful or in India, but who are otherwise suitable members of the European electorate, will, in practically every case, be able to gain admission by establishing the father's domicile to have been in the British Isles or Dominions. Domicile alone, however, without the words "of European descent," would be open to the same objection as the Criminal Procedure Code definition.

(*b*) The number of European communal representatives proposed by the Government of Bengal, four, is considered adequate by my Council.

(*c*) As regards communal constituencies, I am to emphasise the superfluity and inconvenience of carving up the Bengal Presidency into two, three or four constituencies for European communal representatives. Local interests are of necessity economic. The interests of Europeans as a community, which alone are relevant here, are absolutely the same throughout the Presidency. So much for the superfluity of more than one communal constituency. The inconvenience will arise from the fact that, when many of the ablest members of the European community have been elected to represent special or general commercial interests, the field of choice for communal representation will necessarily be somewhat narrow. To narrow it still further, by requiring one communal representative, and no more than one, to be from such and such a part of the Presidency, another from such and such another part, and so on, would at times either deprive the community of one of its best representatives merely because he belonged to the same part of the Presidency as another and the constituency was entitled to only one member, or oblige the community to elect an inferior representative for some part of the Presidency under penalty of losing 25 per cent. of the European communal representation. On this point the Bengal Chamber of Commerce has taken another view. But I would submit that whereas the Chamber is doubtless more competent to advise on commercial representation, the European Association, as itself a communal body, is entitled to carry the day in any discussion of communal representation.

(*d*) The qualification for the communal vote should, in my Council's opinion, be liability to income-tax.

(*e*) Anglo-Indians, unless coming, as a very few of them might, within the European Association's definition of "European" (see above), should be excluded from the European communal electorate. Those whose families have been settled for several generations in India, and who have not themselves acquired a domicile in the British Isles or Dominions, are extremely unlikely to have any share in the communal life of Europeans.

4. *Commercial Representation.*—As this is designed to be representation of European commercial interests, it should in strictness be representation by choice of wholly European bodies of electors. My Council, however, admits some difficulty in securing such representations for special commercial interests. It is prepared to acquiesce in the following distribution of seats :—

Jute : 2 members elected by the Jute Mills and 1 member elected by the Bengal Chamber of Commerce.

Tea : 1 member elected by the Indian Tea Association.

Mining : 1 member elected by the Indian Mining Association.

General Commercial Interests : 5 members, instead of 3 proposed by the Government, as no special electorates can be formed for Shipping or Inland Water Transport. These 5 members to be elected by the Bengal Chamber of Commerce.

5. *Trade Representation.*—My Council approves of one seat being given to European trade, the member to be elected by the Calcutta Trades Association.

6. *Calcutta Port Trust.*—My Council agrees there is no need for direct representation of this interest.

In conclusion, I am to express my Council's appreciation of the Government of Bengal's endeavour to secure the legitimate interests, economic and communal, of those whom the Association represents in this Presidency. The readiness of my Council to accept 15 seats for Europeans (4 for communal representation, 10 for European commercial interests and 1 for European trade) as adequate does not, however, imply that my Council regards this number as in the slightest degree exceeding the necessary minimum.

Letter, dated the 4th February 1919, from the President, Chittagong Chamber of Commerce, to the Government of Bengal, Appointment Department.

I have the honour to acknowledge receipt of your letter, dated the 28th January last, with reference to the proposals of the Government of Bengal, for the representation of the European and Anglo-Indian interests on the Bengal Legislative Council.

Writing from a purely local point of view inasmuch as the Chittagong Port Commissioners are represented in Council, and also Narayanganj of which Chittagong is the Ocean Port to a considerable extent, the European representation from Eastern Bengal at the moment seems fairly adequate.

I would also point out that the Tea Estates for which Chittagong is the Port, with the exception of a few local gardens, belong to the province of Assam.

Mr. E. A. Martin recently had to resign his seat in Council on account of his European staff being so depleted, and the Agent of the Assam-Bengal Railway now represents Port interests on the Local Government.

Inasmuch as Railway and commercial interests do not always agree, I think it might be advisable to grant this Chamber representation in Council later on when European offices are once again fully staffed.

Letter, dated the 7th February 1919, from the Honorary Secretary, Narayanganj Chamber of Commerce, to the Chief Secretary to the Government of Bengal.

I regret there has been some unavoidable delay in replying to your letter No 735 A., dated the 28th January 1919, owing to members of my Committee being away. I have now the honour to inform you that in the opinion of this Chamber a non-official European should continue to represent the commercial interests of Eastern Bengal in the Legislative Council, having regard to the large amount of British capital sunk in this district, and the importance and value of the jute crop.

Letter No. 513—1919, dated the 12th February 1919, from the Secretary, Bengal Chamber of Commerce, to the Chief Secretary to the Government of Bengal.

I am directed to acknowledge the receipt of your letter No. 180-A., dated the 8th January 1919, on the question of the representation of European and Anglo-Indian interests in the Bengal Legislative Council under the scheme of constitutional reforms.

2. You indicate that the Government of Bengal have made provisionally, to the Franchise and Electorates Committee, the following proposals in respect of these questions :—

(*a*) That in the new Council seventeen seats should be reserved for the representation of European and Anglo-Indian interests.

(*b*) That of these seventeen members—

four should be elected by a general constituency of all Europeans paying income-tax ;
two should be allotted to the Anglo-Indian community ;
one should be allotted to the Calcutta Trades Association ; and
ten should be reserved for the representation of European commercial interests.

3. The Committee of the Bengal Chamber of Commerce have attentively considered these proposals, and they have consulted the European Association, the Calcutta Trades Association, the Indian Tea Association, the Indian Jute Mills Association, and the Indian Mining Association. They have also taken advantage of the suggestion made in the sixth paragraph of your letter, and have discussed the proposals with the Chief Secretary to Government at a meeting which was attended by representatives of the Associations named. The European Association and the Calcutta Trades Association have been addressed separately by your Department. And, although these organizations have been consulted by the Chamber, they are not necessarily committed to the recommendations and suggestions which are made in the following paragraphs. These recommendations and suggestions should be taken as representing the considered and agreed opinions of the Committee of the Chamber, and of the Committees of the Indian Tea Association, the Indian Jute Mill Association and the Indian Mining Association.

4. Following the arrangement of your letter I am to deal first with the question of the ten seats to be set aside for European commercial interests You suggest that these should be distributed on the following system :—

The various branches of the jute trade	3 seats.
Shipping	1 seat.
Inland water transport	1 "
Tea	1 "
Mining	1 "
General commercial interests	3 seats.

5. It has been carefully noted that His Excellency the Governor in Council prefers that each interest should elect its own representative or representatives, wherever it may be possible to form a constituency. Applying this principle to the jute trade, it may be said at once that the Indian Jute Mills Association is a ready-formed constituency which may be safely entrusted with the right to elect. The interests of the local manufactures of jute are unquestionably far greater than the European interests in any other branch of the jute trade. It would be appropriate, therefore, that the Mills Association should be empowered to elect two out of three seats to be allotted to the jute trade. The Committee of the Chamber are clearly of this opinion, which would be, they are convinced, endorsed by the commercial community of Calcutta generally. To form a European constituency for the election of the third representative of jute interests, that is to say, for the Europeans other than mill-owners who deal in either the raw fibre or the manufactured article, would be very difficult, it not impossible. The election of this representative might be, therefore, left to the members of the Bengal Chamber of Commerce.

6. Shipping interests—meaning, by the term shipping, ocean-going steamers—are very large and of great importance in the commerce of Calcutta. But the number of firms and companies interested is too small to enable them to be grouped into a constituency. All are members of the Bengal Chamber of Commerce, and the election of their representative on the Council should certainly be left to the Chamber. The same remark applies with equal force to the inland steamship companies. Inland navigation interests are likewise extensive and of considerable consequence, but here again so few firms are engaged in the business as to preclude the possibility of the formation of a constituency. All the firms concerned in inland navigation, and in the ocean shipping trade, are members of the Chamber, which is obviously the organisation to which the election of their representatives should be entrusted.

7. The tea industry and the coal mining industry are on a different footing So far as regards the former, it is understood that representation in the Council will be restricted to the tea estates in the Jalpaiguri district, the exclusion of the Darjeeling district from the new scheme being contemplated. The Indian Tea Association has expressed a strong opinion in favour of two members, one of whom would be a representative of proprietary interests, and the other a planter. This would be by far the best arrangement, and is indeed necessary if tea interests are to be effectively represented in the Council Failing it, the Association urges that the one member should be a representative of proprietary interests, and that he should be elected by the Association. The Committee of the Chamber are in complete accord with the Association on the subject.

8. The Indian Mining Association would be the constituency electing the mining members. No difficulty need be anticipated in this connection, as the Association is fully representative of all the European colliery owners in the province.

9. I am further to suggest that the Chamber should be permitted to fill, by election, the three seats assigned in your letter to general commercial interests. In addition to the special interests, such as tea, jute, and mining, which have been already dealt with, it is essential that the import and export trades, and in particular, local industries, such as engineering, should be represented on the Council. These various branches of European commerce would be adequately provided for by the three seats in question; and election by members of the Chamber would be the most satisfactory method of choosing the representatives.

10. If the foregoing recommendations are adopted, the distribution suggested in your third paragraph would be altered as follows:—

The jute mill industry (constituency—the Indian Jute Mills Association) . .	2 seats.
The tea industry (constituency—the Indian Tea Association)	1 seat.
The mining industry (constituency—the Indian Mining Association) . .	1 ,,
Shipping interests, inland water transport, jute interests (other than the mills) and general commercial interests (constituency—the Bengal Chamber of Commerce)	6 seats.

11. The Chamber agrees with the opinion which you express in your fourth paragraph with reference to the Calcutta and Chittagong Port Trusts. The scheme of distribution defined above would ensure that the interests of both ports would be adequately safeguarded; and it does not appear, therefore, to be essential that separate representation should be given to the Commissioners of either of the two ports.

12. There remains for consideration the important and difficult question of the representation of the general European population. It is the opinion of the Chamber that the income-tax qualification might be utilized as a basis for a European electorate. There would seem also to be no alternative to the definition given in section 4 of the Criminal Procedure Code of 1898 of the term "European British subject" which is as follows:—

> "(1) Any subject of Her Majesty born, naturalized, or domiciled in the United Kingdom of Great Britain and Ireland, or in any of the European, American, or Australian colonies or possessions of Her Majesty or in the colony of New Zealand or in the colony of the Cape of Good Hope or Natal;
>
> (2) any child, or grand-child, of any such person by legitimate descent."

13. This definition is admittedly not free from difficulty, and the inclusion of the word "grand-child" makes it somewhat wider in its scope than the Chamber would be disposed to recommend. But with the omission of that word it might perhaps serve the purpose in view. It would still of course cover a certain number of persons of mixed parentage. But, as you point out in your letter, it would not be easy to exclude Anglo-Indians entirely from a European constituency. And in proposing to limit their number in the manner suggested, the Chamber is not actuated in any way by racial considerations or feeling. On the contrary, the question of merging the European and the Anglo-Indian community into one electorate has been seriously discussed. But on the whole it would seem to be advisable for the two communities to be kept separate as regards representation. For, if they were united in the way proposed, it is possible that the special interests of the Anglo-Indian community might be more or less lost sight of in the larger interests of the purely European section of the electorate.

14. The last question for consideration is whether there should be one constituency for the whole European community, or whether the electorate should be divided into groups. The opinion of the Chamber is that three separate constituencies might be formed. It is essential

that the interests of the mufassal Europeans should be represented on the Council; and this object might not be attained if there were only one constituency. For the voters in the Presidency Division will largely out-number the voters in the other divisions. The five divisions might, it seems to the Chamber, be grouped, and the four seats divided among them as follows :—

Chittagong and Dacca Divisions	1 seat.
Presidency and Burdwan Divisions	2 seats.
Rajshahi Division	1 seat.

15. An arrangement on these lines might be reasonably expected to preclude the possibility of the four seats being monopolized by Calcutta interests. I am, therefore, to recommend it to the favourable consideration of the Government.

Letter No. C. M. 3—1919, dated the 18th February 1919, from the Secretary, Calcutta Trades Association, to the Chief Secretary to the Government of Bengal.

I now have the honour, by direction of the Committee of the Calcutta Trades Association, to reply to your letter No. 182-A., dated the 8th January 1919, on the question of the representation of European and Anglo-Indian interests in the Bengal Legislative Council under the Reform Scheme.

It is observed that it has been tentatively suggested that of the seventeen seats to be allotted for the representation of European and Anglo-Indian interests, four should be elected by a general European constituency comprising all Europeans who pay income-tax, two seats being allotted to Anglo-Indians and one to the Calcutta Trades Association. The remaining ten seats to be reserved for the representation of European commercial interests in the following manner :—

Different branches of the Jute trade	3
Shipping	1
Inland Water Transport	1
Tea	1
Mining	1
General commercial interests	3

My Committee have very carefully considered these proposals, and they having also been favoured with a copy of the reply submitted to your Department by the Bengal Chamber of Commerce, desire to state that they are in agreement generally with the recommendations made by the Chamber of Commerce, which they commend to the favourable consideration of the Government. They do not feel, however, that the three seats allotted to the Jute Trade can all be described as representing European and British interests, and they recommend rather a strengthening of the representation of the purely European and British general electorate.

---

(6) Letter No. 2-A.D., dated the 23rd February 1919, from the Chief Secretary to the Government of Bengal, to the Secretary to the Reforms Committee (Franchise), regarding the representation of the Anglo-Indian Community on the Bengal Legislative Council.*

I am directed to address you on the subject of the representation of the Anglo-Indian community in the Bengal Legislative Council.

2. In paragraph 24 of my letter No. 7585-A, dated the 21st December 1918, it was proposed that, on the basis of population, the Anglo-Indian community should be given not more than two seats. It was also suggested that the creation of a purely Anglo-Indian constituency would present considerable difficulties, and that in the absence of any convenient scheme for an electorate the representatives should, for the present at any rate, be appointed by nomination. The local Government have now considered the matter further in consultation with the Anglo-Indian Association and the Anglo-Indian Empire League. Copies of this Government's letter calling for their opinions and of their replies are enclosed.

3. Both the Associations urge that the community should be given four seats instead of two, and, while agreeing that two of them should be filled by nomination as proposed by the Local Government, ask that the other two should be filled by election. The Local Government are not prepared to revise their recommendation as regards the number of seats to be allotted to the community as no increase is justified by the statistics of population and the income-tax returns. The number of Anglo-Indian males above the age of 15 in this presidency is only 6,232, and even after making allowance for the fact that the income-tax returns probably show many Anglo-Indians as Europeans, it is clear that an Anglo-Indian electorate on an income-tax basis would in any case be a small one.

* This letter was received too late to be considered by the Committee.

4. As regards the mode of selection of the representatives, the local Government are still of opinion that nomination would, for the present, be the better system. In view however of the facts that an electoral scheme is not impracticable and that the community desire to be given the privilege of exercising the franchise, the Governor in Council would now recommend that the elective principle be conceded. The chief difficulty is the definition of the term "Anglo-Indian." The definition proposed by the Anglo-Indian Association is defective in as much as it would include Europeans who should vote in the European electorate. The definition proposed by the Anglo-Indian Empire League (quoted in the margin) is preferable and would be workable at the cost of some personal and probably troublesome investigations. The Governor in Council would, therefore, recommend the adoption of the definition proposed by the League, the payment of income-tax being the franchise qualification, and the constituency so formed returning two members from among those qualified to vote in it.

"That all those who do not fall within the scope of the European electorate be classed as Anglo-Indians for the purposes of the franchise, excluding pure Indians or the descendants of Indian fathers and European mothers."

Nos. 249-50-A., dated Calcutta, the 10th January 1919, from the Chief Secretary to the Government of Bengal, to the Secretary to the (1) Anglo-Indian Association, (2) Anglo-Indian Empire League.

I am directed to address the Anglo-Indian Association, Empire League on the subject of the representation of the Anglo-Indian community in the Bengal Legislative Council under the Reform Scheme.

2. The Government of Bengal have provisionally proposed to the Committee, that has been constituted to consider the question of franchise and electorates under the Reform Scheme, that seventeen seats should be reserved for the representation of European and Anglo-Indian interests in the new Council. Of the seventeen members it is tentatively suggested that four should be selected by a general European constituency, two being allotted to the Anglo-Indian community, one to the Calcutta Trades Association and the remaining ten reserved for the representation of European commercial interests. The Governor in Council would be glad to have the opinion of your Association—League as to the manner in which the representatives of the Anglo-Indian community should be selected.

3. According to the Census figures, the total Anglo-Indian population of Bengal is 19,817. The Anglo-Indian Empire League in a letter submitted to Government last September suggested franchise qualifications similar to those at present prescribed for Muhammadan constituencies, but the number of Anglo-Indians who would secure a vote on this basis would be comparatively small. An alternative qualification would be the payment of income-tax, but the returns show only 650 Anglo-Indians as payers of income-tax, though it is probable that many Anglo-Indians have been shown as Europeans in the returns. This is indeed only an illustration of one of the main obstacles in the way of forming an Anglo-Indian constituency, namely, the difficulty of defining the term Anglo-Indian. In view of these considerations, the Governor in Council is inclined to think that Anglo-Indian representation should be secured by nomination, at any rate for the present, but he will be glad to receive the views of your Association—League and to consider any alternative proposals that it may wish to put forward.

4. As the Reform Committee have asked that a detailed electoral scheme, if any is proposed, should be submitted as soon as possible, it is requested that your reply to this letter may, if possible, reach Government by the 31st January 1919. A similar letter has been addressed to the Secretary, Anglo-Indian Empire League—Association and it would assist matters if the two Associations can come to a common agreement as to any scheme which they wish to advocate.

Dated Calcutta, the 6th February 1919, from the Honorary Secretary, the Anglo-Indian Association, to the Chief Secretary to the Government of Bengal.

I have the honour to acknowledge receipt of your letter No 249-A., dated the 10th January 1919, on the subject of the representation of the Anglo-Indian community in the Bengal Legislative Council under the Reforms Scheme. The matter has been, as suggested in your letter, very carefully considered by both the Anglo-Indian Empire League and the Anglo-Indian Association, and I am desired to submit the following remarks and recommendations for the consideration of Government.

2. My Committee note that the Government of Bengal have provisionally proposed to the Franchise Committee that seventeen seats should be reserved for the representation of European and Anglo-Indian interests in the new Council for Bengal, and that of these seventeen seats two should be allotted to the Anglo-Indian community. My Committee think that the Anglo-Indian community may reasonably ask for more than two seats, and they venture to submit

herewith a copy of the statement* presented by their witness, Mr. J. W. Chippendale, M.A., B.L., to the Franchise Committee, in support of their claims to greater representation.

3. As regards the manner in which the representatives of the Anglo-Indian community should be elected, my Committee note that in view of obstacles that are believed to exist in the way of forming an Anglo-Indian constituency, the Governor in Council is inclined to think that the Anglo-Indian representation should be secured by nomination, at any rate for the present. My Committee venture to think that the obstacles mentioned in your letter, namely, the probability that the number of Anglo-Indian electors will be small, and the difficulty of defining the term Anglo-Indian, would not be found to be serious in practice.

In the first place, the percentage of literacy among Anglo-Indians is so high that the franchise could be conferred on easier terms than would be possible in the case of other Indian communities; and therefore the proportion of voters to the number of the adult members of the community would be an unusually high proportion. Assuming the total Anglo-Indian population of Bengal to be 20,000, at least 4,000 might be expected to be voters Again, my Committee are of opinion that the statement that only 650 Anglo-Indians are payers of income-tax cannot be in accordance with the facts. They understand that the records kept in the Income-tax Office are not such as to make it possible to say what the number of Anglo-Indian income-tax-payers is. They have, moreover, ascertained that the number of Anglo-Indians who are in the service of railways, the Customs Preventive Service, the Licensed Measurers Department, the Port Commissioners, and the Post and Telegraph Department, in Bengal, who come within the Provisions of the Income Tax Act, is several times that number, and, taking into consideration other forms of employment, they are of opinion that the total number of possible Anglo-Indian voters could not fall short of 4,000 at a very conservative estimate. My Committee, therefore, contend that an Anglo-Indian constituency of sufficient size to justify its institution is certainly capable of being formed. They regret, however, that returns of the kind that would make accurate estimates possible, are not available, and they trust that steps may be taken to make statistics of such importance to the Anglo-Indian community available in future.

4. My Committee believe that the difficulties anticipated from the fact that there is no accepted definition of the term *Anglo-Indian*, would not arise if, as seems likely, a definition of the term *European* is agreed upon. Once it becomes clear who are Europeans, the remainder of those who can claim European ancestry, and who retain European habits of life, will inevitably come within the category of Anglo-Indians. Further, if the definition of European, as adopted by the European Association, be accepted, namely, "A European is any person of European descent, being a British subject, who has a domicile in the British Isles, or in the Dominions of Canada, Australia and New Zealand, or in the Union of South Africa, or whose father, at the time of the birth of the applicant for registration as a voter, had such domicile," the following definition of Anglo-Indian would be sufficient for practical purposes, namely, "An Anglo-Indian is any person who is a European domiciled in India, or the son of a European domiciled in India, or who is of European descent born in India, or domiciled in India." India in this definition is to be understood to include Burma and Ceylon. My Committee suggest that any difficulties that might arise in using this definition in practice would be minimized if two Anglo-Indians were associated with the registering officer in the disposal of applications for registration in the Anglo-Indian electorate.

5. It is necessary to add that many members of the Anglo-Indian community hold strongly that the definition of Anglo-Indian should contain the condition that the European descent, required in Anglo-Indians to qualify them as voters, should be European descent in the male line.

6. My Committee are of opinion, that the strength of their community, as compared with that of the non-domiciled European community, and its exceptional position in India, justify them in asking for the same number of seats for the Anglo-Indian community as it is proposed to assign to the European community as such, namely, four, and they ask that two at least of their representatives should be elected. They regard it as vital in the interests of the Anglo-Indian community that it should not be debarred from the educative and consolidating influences of the exercise of the right of selecting their own representatives on the new Councils from the time of their initiation. If the community is to hold its own, its political instincts must be given the opportunity of healthy development. Representation by nomination only, though it might seem at first sight to be in the best interests of the community, would give a set-back to the natural political aspirations of Anglo-Indians, and they might never recover the ground thus lost in the political advance of the peoples of India. Nevertheless my Committee, while pressing strongly the claims of the community for representation by direct election, accept the view that, as a temporary expedient, there should also be representation by nomination, and they agree that two of the four seats, which they consider should be allotted to the Anglo-Indian community, should be filled by nomination.

7. A proposal has been made that the Anglo-Indian community should be represented in the new Council by persons elected by the general electorate to seats specially reserved for Anglo-Indian representatives. My Committee are strongly opposed to any such procedure. Representatives thus elected would not be the genuine representatives of the Anglo-Indian

* Not printed.

community. But, if some modification of this form of election appeared to be for good reasons desirable, they would not object to their representatives being chosen by a joint electorate consisting of the European and Anglo-Indian voters, if a specified number of the seats to be filled were reserved for the representatives of the Anglo-Indian community.

Dated Calcutta, the 29th January 1919, from the President, Anglo-Indian Empire League, Bengal, to the Chief Secretary to the Government of Bengal.

I beg to acknowledge the receipt of your letter No. 250-A., dated the 10th January 1919, on the subject of representation of the Anglo-Indian community in the Bengal Legislative Council under the Reform Scheme, and am directed by my committee to inform you that it is very gratifying to learn that it is contemplated by His Excellency the Governor-in-Council to reserve seats for a community, whose loyal devotion and service to the Crown, which have long been firmly established, and whose general literacy and standard of education approximate to that of the middle classes in the United Kingdom, as also their increasing numbers, appear to make it peculiarly fit for the exercise of the franchise in order to assist the Government of the country of their birth and adoption.

2. My committee is at the same time surprised and grieved to note that the income-tax figures quoted in your letter are so extremely low as to cause natural apprehension that a very serious mistake has occurred, since it is an unquestionable fact, easily verified, that a small section alone of self-declared Anglo-Indians undoubtedly paying income-tax, *exceeds 650*. Apparently, therefore, my committee opines a clerical error has been made and that the real figures are more reasonably in the region of 6,500 as a fair estimate, *it being inconceivable* that out of a total population of 19,817 recorded in the Census of 1911, only *650* Anglo-Indians should be paying income-tax in 1919.

3. In this connection, my committee would suggest that if adequate enquiry were made it might be found that at a low estimate, one-fourth of the Anglo-Indian population actually pay income-tax and my committee might be content to rest upon this basis, a scheme of representation. But as the Domiciled European community must be added, since they are integrally a part of the Anglo-Indian community for all practical purposes, the aggregate would be quite equal to the Muhammadan electorate recorded in 1915, if it does not easily exceed it, and this automatically raises the question of representation commensurate with its strength, prestige and intrinsic value to the State.

4. In these circumstances, my committee agrees to accept tentatively, nomination for two seats, but in view of the undoubted numerical importance of the combined Anglo-Indian and Domiciled community, among whom illiteracy is unknown and who are on the average as well, if not better, educated for the purpose of intelligently exercising the franchise, as an equal number of people similarly enfranchised *in Europe or the Colonies*, and as my committee is strongly of opinion that the true basis for representation lies in this outstanding incontrovertible fact of general literacy and fitness for the exercise of the franchise, it feels justified in making a strong bid for two additional seats by election.

5. Accordingly and on these lines, it is the considered opinion of the committees of the Calcutta Anglo-Indian Empire League and of the Calcutta Anglo-Indian Association, who have a joint membership of over 800 self-declared Anglo-Indian and Domiciled Europeans who are on the point of uniting in a single body, that four seats, two by election and two by nomination as a tentative measure, are actually required now to afford the minimum representation which we hereby specifically claim for the whole community to be arranged on the following basis :—

(i) That all those who do not fall within the scope of the European electorate, as defined by the European Association, be classed as Anglo-Indians for the purposes of the franchise, excluding pure Indians or the descendants of Indian fathers and European mothers.

(ii) That two Anglo-Indians be associated with the registering officer as his colleagues to consider and deal with applications for registration on the Anglo-Indian electoral roll.

This refers exclusively to the two seats we desire to secure by election.

6. My committee, who has agreed to nomination partially and as a tentative measure only, urges strongly that the two seats reserved for such nomination should be filled by selection from the Anglo-Indian community only and that such nomination should not disqualify them for appointment as a minister with a portfolio, or for election to the Legislative Assembly of India, or for admission to the Council of State.

7. In conclusion, my committee requests, in order to provide against even the remote contingency that the Anglo-Indian community might not prove sufficiently strong to form an electoral body of their own, that the community may be allowed to vote with the pure Europeans, and that two seats should be earmarked, set aside or reserved for Anglo-Indian representatives.

IV.—THE UNITED PROVINCES OF AGRA AND OUDH.

PAGE.

(1) Note prepared by the Government of the United Provinces for the consideration of the Franchise Committee 195

(2) Note of a discussion with the Lieutenant-Governor of the United Provinces, held at Lucknow on the 30th November 1918, with an annexure containing His Honour's views regarding the Indian Legislative Assembly and the Council of State 198

(1) Note prepared by the Government of the United Provinces regarding the constitution of the Provincial Legislature.

Composition of council, electorates and constituencies.

In the proposals outlined below an endeavour has been made to conform to the general conditions postulated in paragraphs 226 to 233 of the Report on Indian Constitutional Reforms. Provision accordingly has been made for (*a*) direct election, (*b*) as broad a franchise as appears to be practicable, having regard to the problems involved in the maintenance of an electoral roll, the attendance of voters at polling centres, the danger of impersonation and the subsequent adjudication of electoral petitions, and (*c*) for communal and special electorates only where these are required in accordance with the principles adopted in the report.

I.—Franchise.

(*a*) *General.*—In conformity with the general practice in Western countries, it is proposed to base the franchise entirely on property qualifications. This appears to be the only basis which will yield an electorate fairly representative of the various classes and interests. The actual qualifications suggested are low enough to embrace all the better educated classes.

(*b*) *Rural areas*—(1) *Tenants.*—Table VI shows that there are over five million tenants paying a rental of one rupee per annum and upwards. Apart from any question of fitness for the exercise of a vote, an electorate of this magnitude would be unworkable. It would be impossible to make adequate arrangements for the recording of votes. The total of secured tenants is 2,298,693.

This would give a more manageable, but still an excessively large, electorate. By omitting secured tenants paying rentals of 1 rupee to 24 rupees per annum the total would be reduced to 817,320. It would be inequitable, however, to exclude from the franchise all purely non-occupancy tenants. Tenants of this class, while their interests are less permanent than those of secured tenants, are entitled to some representation. It is proposed accordingly to restrict the franchise to tenants of all classes paying rentals of Rs. 50 per annum and upwards. The total is 816,964.

(2) *Landlords.*—The payment of Rs. 25 revenue may be taken as equivalent to the payment of a rental of Rs. 50 per annum. It is proposed therefore to give a vote to all landlords paying a revenue of Rs. 25 and upwards. The total of such persons is 333,366. Fixed-rate tenants in the permanently settled districts and occupancy tenants in Oudh are practically under-proprietors, and those of them who pay a rent of Rs. 25 per annum and upwards will therefore be included in the roll. The number of such tenants is not considerable.

(3) *Income-tax payers.*—Income-tax payers are clearly entitled to the franchise. The number is inconsiderable.

(4) *Kumaun.*—Conditions in the hill pattis of Kumaun are peculiar. Most of the land is held on what is practically a ryotwari tenure. The land revenue is very light, and resembles rather a poll tax than the land revenue assessments in the plains. The amounts paid are in practically all cases less than Rs. 25 per annum, and are no adequate indication of the assessee's standing. There are in Almora and Garhwal a fairly considerable number of tenants known as khaikars and a small number known as sartans. Very few of these pay as much as Rs. 50 rent per annum, but the khaikars, though technically tenants, possess in some respects the status and privileges of under-proprietors. In Kumaun, therefore, it is proposed to confer the franchise on all persons paying land revenue, on the tenants known as khaikars and also on the small number of persons paying a rental of Rs. 50 per annum and upwards. In the plains portion of the Kumaun division the franchise will be the same as in other rural areas. Statistics are not available, but the numbers concerned are small.

(*c*) *Urban areas.*—The qualifications of the electors in the different municipalities vary so greatly that it is impossible to accept the municipal electoral rolls as the electoral rolls for the Provincial Council. While, *e.g.*, Firozabad has an electorate that is 16·40 of its population, Ballia has an electorate that is only 1 per cent. of the population. Not only have different municipalities different

qualifications, but in cases where the nature of the qualification is the same the limiting amounts vary very greatly, *e.g.*, where the qualification is the payment of a municipal tax the minimum amount varies from Rs. 2 in Firozabad to Rs. 36 in Agra; where the qualification is the ownership of the occupation of a building of a certain minimum annual value, the minimum annual value ranges from Rs. 3 in Agra to Rs. 120 in Cawnpore and Rs. 300 in Farrukhabad; where the qualification is the receipt of a minimum annual income, the minimum ranges from Rs. 120 in Dhampur to Rs. 16 in Mirzapur; where it is the payment of land revenue or land rent, the minimum payment ranges from Rs. 15 to Rs. 250.

Moreover, as the electoral rolls are in most cases prepared by non-official members, it would be unsafe to rely upon figures which are not based on any definite data. The only suitable basis for framing an electoral roll in such cases is to adopt those qualifications the possession of which renders the possessor liable to definite liabilities, such as municipal taxes. The most suitable qualifications from this point of view are the possession or occupation of houses of a minimum annual value or the possession of a minimum annual income where such qualifications render the possessor liable to house tax or to a tax on circumstances and property or on trades and professions. It is proposed, therefore, that the qualifications in urban areas should be (1) the possession of an income of Rs. 200 a year, or (2) the occupation of a house of a minimum annual rental of Rs. 3 a month. The reason why in the latter cases the minimum of Rs. 3 is proposed is that in many municipalities where a house tax is in force houses of the annual value of less than Rs. 3 per mensem are usually exempted from such taxation. In municipalities in which a house tax is in force the assessment list of the municipal board should be utilized for the purposes of preparing the electoral rolls and similarly in municipalities where there is a tax on circumstances and property, or a tax on trades and professions, the assessment list should also be so utilized. There are, however, several municipalities in which direct taxation is not in force, the most prominent being Lucknow. In such cases it would be necessary to have lists prepared by an official agency, showing the annual value of the buildings and lands within the urban area.

On the above basis the estimated number of electors * in the seven larger municipalities to which it is proposed to give separate representatives would be 55,000, while the estimated number of electors in the other municipalities, in notified areas and in town areas would be 123,000. It has, however, to be taken into consideration that in the smaller municipalities, the town areas and the notified areas, probably the great majority of the persons who would qualify either as occupying houses of a certain minimum annual value or as paying a tax on income would be qualified as landholders or as tenants. It is impossible to say what the number would be.

For the seven large towns the figures are as under :—

—	Urban electorate.			Number of income-tax assessees.
	Hindus.	Muhammadans.	Total.	
Allahabad	5,951	2,201	8,152	844
Benares	9,579	1,712	11,291	861
Total	15,530	3,913	19,443	1,705
Lucknow	10,000 (rough)	2,000	12,000	862
Cawnpore	5,820	1,707	7,527	1,792
Total	15,820	3,707	19,527	2,654
Agra	6,994	2,699	9,693	690
Bareilly	1,443	540	1,983	625
Meerut	2,858	1,586	4,444	421
Total	11,295	4,825	16,120	1,816
Grand Total	42,645	12,445	55,090	6,175
Number of income-tax assessees in rest of province is				38,439

* Exclusive of income-tax assessees.

The income-tax payers would not affect greatly the figures. There are 6,175 income-tax payers in the seven municipalities which are to have separate representatives and in the rest of the province there are 38,439. Probably, however, a considerable number of the income-tax payers would also possess qualifications as payers of land revenue or rent or as having one of the qualifications recommended for urban areas.

II.—Plural voting.

The qualifications proposed to a certain extent overlap. The overlapping is not, however, serious. And it is not in any case contemplated that an elector having more than one qualification should have more than one vote in a single constituency. Where he has qualifications in more than one constituency there seems to be no objection to his voting in both. As a matter of fact if all elections are held simultaneously, few persons will be in a position to record more than one vote. It is not therefore proposed to prohibit plural voting.

III.—Communal electorates.

Communal representation is necessary in the case of Muhammadans only. The formula accepted by the Congress and Muslim League has been adopted. It is proposed that Muhammadans should vote only in their own constituencies.

IV.—Special electorates.

The taluqdars of Oudh form in that province a distinct class, defined by legislation, and organized in an association of long standing. They enjoy separate representation in the existing Council, and this privilege it is proposed to continue. Separate electorates are also suggested in the case of (*a*) the Chambers of Commerce, (*b*) the University, which return each one member to the existing Council.

V.—Constituencies.

The smaller municipalities and all notified areas and town areas have been grouped with the rural areas. The alternative would be to create composite constituencies consisting of groups of urban areas, and there are strong practical objections to this course. The constituencies so formed would be entirely lacking in any community of local interests. The seven large cities, however, Allahabad, Benares, Lucknow, Cawnpore, Agra, Bareilly and Meerut (including the cantonments) are large enough and important enough to justify the grant of separate representation. Against their smaller population as compared with the rural constituencies must be set their higher level of education (they include the bulk of the educated middle classes) and their practical monopoly of industry and commerce.

2. The distribution of electors under the franchise proposed is uneven in rural areas. As will be seen from the tables appended there are fairly considerable variations as between the different districts, and constituencies framed on the basis of population will thus contain unequal numbers of electors. The alternatives would be to vary the franchise as between different areas, or to base constituencies on the number of electors. Both alternatives are open to serious objection. The latter would give a very unequal representation to different parts of the provinces; the former would extend the franchise to classes at present unfit for its exercise. The population basis has accordingly been adopted. On the whole it seems calculated to give the fairest results. On the qualifications suggested the electors in each area will be reasonably representative of the different classes and interests concerned and the precise number of electors is thus a matter of little importance. In time, moreover, the variations will tend to diminish. They are due to differences in the agricultural economy of districts which the working of economic forces will gradually eliminate or reduce.

3. For practical purposes it is important to preserve, so far as possible, the district as the electoral unit. It has been necessary, however, in the case of the Muhammadan and of a few general constituencies, to group adjacent districts, and in the case of Muhammadan urban constituencies to group together two or more large towns. The grouping is tentative, and should clearly be open to reconsideration in the light of the views expressed by the communities concerned.

VI.—Strength and composition of the Council.

Table I * shows that the proposed strength of the Council is 100 members. Of these 79 are to be elected, *viz.*,—

42 by general constituencies } Mainly rural but also including the smaller municipalities, notified areas and town areas.
18 by Muhammadan constituencies }

7 by the general electors of the cities of (1) Allahabad, (2) Lucknow, (3) Cawnpore, (4) Benares, (5) Agra, (6) Bareilly, (7) Meerut (*cum* cantonments), *viz.*, one by each city.

3 by the Muhammadan electors of the above seven cities, *viz.* :—

1 by { Lucknow. Cawnpore.

1 by { Allahabad. Benares.

1 by { Bareilly. Meerut. Agra.

5 by the British Indian Association.

Tables II and III * show that the proportion of landlords to tenants is decidedly lower in Oudh than in Agra. The resulting disproportion in voting strength will be offset by the separate representation proposed to be granted to the taluqdars.

3 by the Chambers of Commerce, *viz.*, 2 by the Upper India Chamber of Commerce and one by the United Provinces Chamber of Commerce. The former body represents at present a much larger proportion of the industrial activities of the province.

1 by the University of Allahabad.

21 members will be nominated. Eighteen of these are to be officials ; two are intended to represent the Anglo-Indian community and one the European community.

---

(2) Note of a discussion with the Lieutenant-Governor of the United Provinces, held at Lucknow on the 30th November 1918, with an annexure containing His Honour's views regarding the Indian Legislative Assembly and the Council of State.

The Committee met the Lieutenant-Governor of the United Provinces (the Hon'ble Sir S. H. Butler, K.C.S.I., C.I.E., I.C.S.), to consider the following questions :—

1. *A proposal to include in the franchise :—*
   (1) *a separate educational qualification (if it was accepted the question arose what standard should be adopted)* :
   (2) *military and civil pensioners :*
   (3) *certain classes of public servants*, e.g., *school teachers.*

Mr. Banerjea desired non-student matriculates to be qualified for voting as such and also professional teachers.

Mr. Aftab thought it important to encourage primary education in order to make the scheme a success and with this object he would like to raise the status of teachers.

Mr. Hogg questioned whether all desirable matriculates would not in fact come in under the other qualifications.

Mr. Aftab thought that pensioners who were now qualified should remain qualified, and would fix a pension of Rs. 15 as the qualification.

His Honour thought that most of the proposed voters would come in under the property franchise. He hesitated to upset the balance of the scheme, but if the Committee had strong views on the subject, he would agree to a vote being given to non-student matriculates. It was unnecessary to give the vote to pensioners as all of importance would come in under the property qualification and it would be invidious and would cause difficulty to pick out school teachers from other classes. He therefore advised qualifying non-student matriculates and no others.

* Not printed in this Appendix.

2. *A proposal to vary the rural franchise from tract to tract in order to equalize somewhat the number of voters*, e.g., *to lower it somewhat in Bundelkhand or to raise it in some districts with a very large electorate.*

Sir Frank Sly pointed out that as the scheme was based on population, the number of voters was irregular and in some cases there were very large constituencies. These great differences might result from local conditions. In some parts rents were highly competitive, in other parts they were much lower, and absence of uniformity of status would thus result. If there were real differences it might be well to recognize them.

His Honour was very anxious to maintain the unity of the districts. No doubt there were differences ; for example in Meerut and Aligarh there were sturdy peasants, with good land, paying high rent. He advised adhering to the districts. It was not desirable to make variations in a scheme which worked out to a reasonable figure in three quarters of the districts. Individual cases could be met by later adjustments if necessary. As a matter of fact the smaller electorate of Bundelkhand was on much the same footing as the larger electorate of Meerut, and readjustment of qualifications would not necessarily lead to an equalizing of political opportunities.

3. *A proposal to increase the number of urban constituencies by making a few more large towns, say those with a population of 40,000 or more into separate constituencies. Or, as an alternative, to form groups of smaller towns instead of merging them into rural constituencies.*

This question was discussed in conjunction with the following question.

4. *As regards rural constituencies, proposals :—*

(1) *to divide Bulandshahr into two constituencies,*

(2) *to divide Kumaon into two or three constituencies.*

Mr. Sastri was anxious to give further weight to urban constituencies, although the large towns were already weighted by 100 per cent. He felt alarmed at the suggestion that the rural areas might send members who could only follow the proceedings in the vernacular. He would prefer to enfranchise towns of 50,000 population rather than form groups of urban areas.

His Honour pointed out the marked difference between the big industrial cities in the province which had civic life on a western scale and the agricultural towns without industrial of any substantial civic life forming part of agricultural districts. He would, however, agree to increase the Council by 12 of whom 10 would be elected and 2 nominated officials. He would give one member each to the urban constituencies of Aligarh, Moradabad and Shahjahanpur and one member jointly to the Muhammadan voters of those three towns. He would give an extra member on the general rural electorates to Bulandshahr, Kumaon, Muttra and Pilibhit and 2 extra members to the Muhammadan voters of those districts.

5. *The proposed representation of the Oudh Taluqdars.*

His Honour pointed out that the taluqdars were the most distinctive body of landholders in India. Since 1735, they had been a united body centering round Lucknow and very homogeneous. Oudh was essentially Hindu and contained the centre of Hindu religious feeling. During the Mutiny the taluqdars remained loyal and the soil was confiscated to give them a formal title under sanads and under the Taluqdari Acts. Succession in many of the estates was by primogeniture. The old palace had been given to them as communal quarters. They had built a fine hall and met frequently. They were welded together by controversies over tenant rights. The Government collected a cess by agreement half of which maintained the Association and the other half maintained educational institutions. They were very liberal in subscriptions and they had the tenants of Oudh behind them. In the present Council they had three members, of whom 2 were elected through the general electorate. They owned individually a very large number of villages and formed a very powerful aristocracy. Considering the important part that they played in the public life of the province, they should have 5 seats allotted to them. There were 271 taluqdars and the question of giving them votes in the general constituencies was unimportant. It would be well to enable them to stand

as candidates in general constituencies as this would be preferable to their putting up nominees.

6. *The claim of the large landholders of Agra for separate representation.*

On the other hand His Honour said that the Agra landowners were separated by great distances. Their Association dated only from 1914 and had never been effective. There was no cohesion among them, and they did not form a separate class. They would obtain full representation in the general electorate and no separate representation should be given to them.

7. *The question of representation for Benares University and subsequently the contemplated universities of Aligarh and Lucknow. Until Aligarh is converted into a University, should Aligarh College get separate representation through its trustees?*

His Honour said that the Benares University was an All-India university and had not asked nor would it, he believed, wish to be represented on a purely provincial body. The present Vice-Chancellor was a prominent citizen of Madras. The university of Aligarh, when it came into existence, would be in the same position. The university of Lucknow was at present entirely in the air.

8. *The inclusion of registered graduates among the voters for the university seats.*

His Honour had no strong views on this point. The present university franchise worked well and he would prefer to leave it alone. But, if the suggested change was made in other universities, it should be made in the United Provinces also.

9. *How it is proposed to provide for the representation of members of the joint Hindu family other than the manager and as to joint revenue or tenant holdings.*

His Honour pointed out that it was impossible to depart from the principle that the manager acted for the family. He would hesitate to interfere with the joint family for the purposes of voting. It would be a serious upset if a separate voice were given to individual members.

10. *The equal representation of the two Chambers of Commerce.*

His Honour pointed out that the Upper India Chamber was European and centred at Cawnpore while the United Provinces Chamber of Commerce was much less important and controlled a comparatively small amount of capital. The wealth of Cawnpore was in the hands of the Europeans, who put Rs. 140 lakhs into the war loan as against Rs. 12 lakhs from the Indians. The United Provinces Chamber was new and numbered lawyers among its members. The future development of the province in commercial matters would, he hoped, be largely Indian, but at the present stage the two Chambers could not really be compared and he would not give the newer Chamber the same representation as the older.

11. *The number of nominated members, official and non-official, necessary to constitute the Grand Committee.*

His Honour stated that the Government would undoubtedly nominate elected members of Council to the Grand Committee.

12. *Some increase in the size of the Council contemplated.*

This had already been dealt with.

13. *Method of election to the Indian Legislative Assembly. Strength and composition of the provincial representation on that Assembly.*

His Honour handed in a memorandum expressing his views upon this subject.*

Mr. Aftab said that several witnesses had asked for some further representation of urban Muhammadans. His Honour thought that to accede to this suggestion would upset the balance of the Council and he was not prepared to agree to it.

---

* *Vide* next page.

LIBRARY

MEMORANDUM BY HIS HONOUR THE LIEUTENANT-GOVERNOR OF THE UNITED PROVINCES ON PARAGRAPHS 273-274 (IMPERIAL LEGISLATIVE COUNCIL) AND PARAGRAPHS 277-278 (COUNCIL OF STATE).

(1) The local Government approves generally the proposals in paragraphs 273-274 of the Report on Indian Constitutional Reforms as regards the composition of the Indian Legislative Assembly. It considers, however, and has already so represented to the Government of India, that the United Provinces should have as many members as the Presidencies, that is, these provinces have a larger population than the Presidencies; they constitute the heart and core of India; they contain all that is most venerable to the great masses of Hindus and Muhammadans; they are the scene of some of the greatest events in Indian history, and under the proposals of the Report they will occupy the second place in the matter of provincial contributions to Imperial Revenues. As regards the manner in which these eleven seats should be filled, it is suggested that 10 members should be elected by non-official members of the Provincial Council, *viz.*, 7 by the Hindu members and 3 by the Muhammadan members. The objections to indirect election are recognized, but if the method of direct election were to be followed it would be necessary either to frame constituencies unmanageably large, or to set up small class electorates and the latter alternative would result in the Indian Legislative Assembly resting on an entirely different basis to that upon which the Provincial legislature will rest. The remaining seat should be reserved for the larger landlords, the election being made as at present, alternatively by the British Indian Association of Oudh and the large Agra landlords. The existing electorate for the election of a member of the local legislative council by the landlords of Agra seems to be suitable. A statement is attached showing the composition of the electorate.*

The local Government accepts also generally the proposals for the constitution of the Council of State. It has not attempted in the absence of information as to the conditions in other provinces to work out in detail proposals as regards the six seats reserved for Muhammadans, the landed classes and the Chambers of Commerce. It is suggested, however, that the existing electorate for the election of Muhammadan members to the local legislative council might furnish suitable material in combination with the electors of other provinces. Similarly it is suggested that the existing electorates of landlords for the election of 2 members of the local legislative council might be combined with electors in other provinces. A statement is attached showing the composition of the Muhammadan electorate referred to.

As regards the Chambers of Commerce, all that can be said is that the Upper India Chamber of Commerce is the only institution in these provinces which is at present entitled to be represented and that it is perhaps the most important Chamber in India after those of the three Presidencies. It could be represented by means of nomination by the Governor General in Council.

* Not printed.

V.—THE PUNJAB.

PAGE.

(1) Letter from the Officiating Additional Secretary to the Government of the Punjab, No. 21220 (Home-Judl.), dated the 23rd November 1918, to the Government of India in the Home Department, and enclosure . . . 205

(2) Note of a discussion with the Lieutenant-Governor of the Punjab, held at Lahore on the 7th December 1918 219

(3) Tabular statement of the proposals of the local Government as revised after discussion with the Franchise Committee, on a basis of communal representation for (*a*) Muhammadans and (*b*) Sikhs, and general residual representation for (*c*) "Others," of whom the vast majority are Hindus . . 224

(1) Letter from the Officiating Additional Secretary to the Government of the Punjab, No. 21220 (Home-Judl.), dated the 23rd November 1918, to the Government of India (Home Department) and enclosure.

With reference to paragraph 4 of Mr. Hignell's letter No. 950, dated the 15th of July 1918, I am directed to address you, in amplification of paragraphs 13—14 of Mr. Thompson's letter No. 19351 (Home-Judicial), dated the 5th of November 1918, on the subject of franchise and electorates under the Reform Scheme. The Lieutenant-Governor has consulted several of his senior officers in regard to these questions, and has also before him the discussions (of which a summary is attached) on the subject by the non-official members of his Legislative Council; but the views set forth below are those of His Honour alone. He regrets that owing to other pressing pre-occupations, as explained in paragraph 11 of my letter of 16th November on the Subjects proposals, he has not been able to give to the consideration of the subject the time which its great importance demands, and for this reason the proposals contained in this letter must be regarded as to some extent tentative and subject to revision.

I.—SIZE AND COMPOSITION OF LEGISLATIVE COUNCIL.

Existing Punjab Council.

2. In the matter of Legislative Councils the Punjab started later than the other major Provinces. The first Council was constituted in 1897 and consisted of nine nominated members, five officials and four non-officials—two Muhammadans, one Hindu and one Sikh. By the Reform Scheme of 1909 a Council of 24 members was established, composed of 19 nominated members (of whom not more than 10 were to be officials) and 5 elected. At the instance of the Local Government the number of elected members was raised to 8 in 1910 and in 1916 it was raised to 11.

The Council now consists of 28 members, *viz.*—

Nominated officials	10
non-officials	7
Elected non-officials	11

of whom 5—one per Division— represent rural and 4 urban constituencies, while the University and the Chamber of Commerce each elect a member.

Proposals for reformed Council.

3. In paragraph 13 of the letter of the 5th of November, 1918, it was proposed that the future Council should consist of 51 members, of whom 17, or one-third, would be nominated and the remainder elected. Of the nominated members, 11 would be officials and 6 non-officials. The elective seats would be distributed as follows :—

Rural constituencies—3 members for each revenue division	15
Special Sikh constituencies—Lahore Division 2 members, Jullundur Division 2, Ambala, Rawalpindi and Multan jointly 1	5
Large land-holders' constituencies—1 per Division	5
Trade and Industries	2
Punjab University	1
Urban constituencies—Lahore Division 2, other Divisions 1 each	6
TOTAL	34

Paragraph 225 of the Report contemplates that the legislative councils should differ in size and composition from province to province. The Congress-League scheme suggests that they should consist of not less than 125 members in the major provinces and from 50 to 75 in minor provinces (Report, paragraph 162). Sir Michael O'Dwyer is of opinion that the enlargement proposed by him will for the present at any rate be sufficient. The more advanced politicians will doubtless demand a larger council. Indeed among the resolutions dealing with the Reform Scheme, which were discussed at a recent meeting of the Punjab Council, was one recommending that its size should be enlarged to 100 members, of whom four-fifths should be elected, and that only half the nominated members should be

officials. This resolution was carried by 14 votes to 2, and an amendment that the elected proportion should be two-thirds was defeated, the official members neither voting nor taking part in the debate. The principal argument adduced in support of the resolution was that the Punjab should be placed in all respects on the same footing under the Reform Scheme as the three Presidencies and the United Provinces. But the argument has, in His Honour's opinion, little weight. The Punjab has a total population of a little under 20 millions as compared with nearly 47 millions in the United Provinces, over 46 millions in Bengal and 41 millions in Madras. The population of Bombay is about equal to that of the Punjab, but the standard of education in the Presidency is much higher, and its great industrial and commercial interests have also to be considered. In the words of the report "India is still a country marching in uneven stages through the centuries from the fifth to the twentieth ..... Even within the limits to which the new constitution can be applied, there are differences of conditions of which account must be taken in applying it." The Lieutenant-Governor believes that with a council of 51 members it should be possible to secure adequate representation for all important Punjab interests, and is doubtful whether the Punjab is at present in a position to furnish a larger number of fully qualified non-official members in addition to the provincial representatives on the Indian Legislative Assembly and the Council of State.

II.—Electorates.

Distribution of elected seats.

4. The Lieutenant-Governor desires to make two slight changes in the distribution of the elected seats described above. On further consideration he considers that the interests of the large landholders will be sufficiently represented if they are allotted 4 seats instead of 5. These four seats might be distributed, one to the Ambala and Jullundur Divisions jointly and one each to Lahore, Rawalpindi and Multan. The fifth seat would be thrown into the general rural constituencies, the total number of which would thus be increased from 15 to 16. Secondly, the allocation of the special Sikh constituencies should, for reasons of local contiguity, be Ambala and Jullundur Divisions 2, Lahore Division 2, Rawalpindi and Multan Divisions jointly 1, instead of the distribution originally proposed. This distribution harmonises with the historical division of the Sikhs between the Malwa (eastern), Manjha (central) and the western portions of the province.

Special Sikh representation.

5. Before proceeding to deal with the larger constituencies, whether general or communal, it will be convenient to discuss the question of special Sikh representation. Sir Michael O'Dwyer has already expressed in paragraph 13 of Mr. Thompson's letter of the 5th of November 1918 his agreement with the proposal made in paragraph 232 of the Report that the Sikhs should be given communal representation, and he does not think this proposal requires further justification. A resolution proposing special representation for the Sikhs was defeated at the recent meeting of non-official members of the existing council. The Muhammadans would perhaps be ready to concede special representation to the Sikhs provided their own interests were adequately secured. But the Hindus' attitude apparently is that the Sikhs are Hindus and should vote in Hindu electorates. Both Muhammadans and Hindus were opposed to the somewhat extravagant claim put forward by the Sikh members to one-third of the total elected seats. Although they number a little over 2 millions in all, or nearly 11 per cent. of the total population, the Sikhs are in a minority in all districts and could not hope to secure adequate representation save by means of communal electorates. At the present moment there is not a single Sikh elected member on the local legislative council. The Sikh urban population is only 115,000 and their interests are thus almost entirely rural. On the basis of total population the Sikhs would be entitled to two or three seats only out of 21 (*i.e.*, 16 rural *plus* 5 special Sikh constituencies) or between 3 and 4 out of the 34 seats to be filled by election. But their influential position in the province, which is based partly on historical and political factors, partly on their military prestige and partly on their comparatively high educational level and economic importance in the central and colony districts entitles them to a considerably greater degree of representation than is indicated by numbers alone. The

number of Sikhs in the Army is now believed to exceed 80,000—a proportion far higher than in the case of any other community—and the amount which they pay to the State in the form of land revenue and canal charges is out of all proportion to their numerical strength. These considerations, in His Honour's opinion, justify the allocation to them of as many as 5 special seats.

Rural and Urban Electorates. Population by revenue divisions.

6. The rural population is roughly 18 millions or 9-10ths of the whole, and the urban population, *i.e.*, those resident in towns with a population of over 5,000, is one-tenth. The rural population is almost wholly dependent on agriculture, and its interests in many respects are different from and occasionally clash with those of the urban population. The Lieutenant-Governor hardly thinks that further arguments are required in support of this view, which was very strongly urged by rural members at the recent discussion, when a resolution in favour of separate rural and urban electorates was carried by 10 votes to 4. A resolution that the representation of each group should be in proportion to population was also carried by 8 votes to 6.

It is obviously desirable that constituencies should so far as possible coincide with well-recognised administrative units, and unless a seat is to be allotted to each district in the province, which would mean an unduly large council, the units must clearly be as at present the five revenue divisions. The relevant statistics of each of the revenue divisions are shown in the following table :—

Division	Hindus			Sikhs.			Muhammadans		
	Total	Town	Rural	Total.	Town.	Rural	Total	Town	Rural.
Ambala	2,589,519	226,701	2,362,818	148,668	7,045	141,623	1,003,944	172,964	830,980
Jullundur	1,894,378	135,120	1,759,258	781,836	20,974	760,862	1,272,311	169,250	1,103,061
Lahore . .	1,131,734	214,351	917,383	733,536	52,453	681,083	2,670,600	376,293	2,294,307
Rawalpindi	260,902	82,552	178,350	166,219	24,526	141,693	2,906,680	163,261	2,743,419
Multan	546,247	104,046	442,201	261,522	9,793	251,729	2,977,529	153,488	2,824,041
Total of Province .	6,422,780	762,770	5,660,010	2,091,781	114,791	1,976,990	10,830,064	1,035,756	9,794,308

Arguments in favour of communal electorates for Muhammadans and Hindus.

7. These figures are for the total population, and no information is at present available to show what the number of voters of each community would be under the proposed franchise in each division. Such figures could only be compiled after a most laborious process of excerption practically amounting to a census of certain classes, but it is certain that the proportion of voters would be lowest among the Muhammadans and probably highest among the Sikhs. The difference will be specially marked between the Hindu and Muhammadan urban populations, as the standard of education and wealth is much higher among the urban Hindus than among the urban Muhammadans. Making due allowance for these factors, the Lieutenant-Governor calculates that, assuming the Sikhs to be given special electorates of their own and the other two communities to compete in general rural and urban constituencies co-terminous with revenue divisions, the Muhammadans could not count on obtaining more than 9 out of 16 rural and 2 out of 6 urban seats, or 11 in all against 11 Hindus though they outnumber the Hindus by 70 per cent. Of the 4 seats reserved for large landholders, the Muhammadans would be practically certain to obtain 2. Of the 3 special constituencies (*viz.*, trade and industries 2, and University 1), the probability is that they would obtain none. Thus the total Muhammadan representation on a general non-communal electorate would amount to 13 out of 34 elective seats (or, excluding the three special constituencies, 13 out of 31), as compared with 5 Sikhs, 15 Hindus and 1 European, the latter representing one of the special trade and industries constituencies. This calculation is based on a view favourable to the Muhammadans, but the result would certainly not satisfy their expectations. As the Muhammadans form over 55 per cent. of the entire population and as the Congress-Muslim League agreement allotted to them 50 per cent. of the elected Indian membership, they will certainly press for not less than that proportion. It will be observed from the enclosure

to this letter that a resolution affirming the Congress-League agreement was passed at the recent meeting of non-official members of the existing council with only 2 dissentients, both of whom were Sikhs, after an amendment prefixing the words "subject to the just claims of the Sikhs" had been defeated by a similar majority. The Muhammadans' claim to one-half of the elected seats is thus, in the Lieutenant-Governor's opinion, entitled to very great weight. It must be remembered that, should any sectarian question arise between the two great religions, the Sikhs would probably side with the Hindus. His Honour is therefore confirmed in the view tentatively expressed in paragraph 15 of the letter of the 5th of November 1918, that the simplest solution will be to give communal representation to all the three great religions. The scheme described in the succeeding paragraphs accordingly provides for communal electorates, both rural and urban. Its effect would be to secure to the Muhammadans at least 15 or 45 per cent. of the 33 elected Indian seats, with the possibility of capturing one other seat. Another argument in favour of communal electorates is that without them the voters of certain tracts, *e.g.*, the Muhammadans of the Ambala Division and the Hindus of the Rawalpindi and Multan Divisions, could scarcely ever hope to be represented in the council by a member of their own religion, and this might lead to their taking little interest in the elections or even to the risk of widespread electoral corruption. It might be possible to prevent these results by the use of such devices as the limited or cumulative vote or by a system of proportional representation for minorities. Sir Michael O'Dwyer has no personal experience of the working of these devices, but he thinks it essential that in an untried and unsophisticated electorate, to whom the idea of the ballot box is entirely novel, the system of voting should be in all respects as simple as possible.

Distribution of rural seats.

8. Dealing first with the 16 rural constituencies it will be observed from the figures given in paragraph 6 that the total population of the different revenue divisions varies from 3⅓ millions in Rawalpindi to 4½ millions in Lahore, but the differences between the rural population (excluding the Sikhs) are much less marked. Multan has the largest rural population, just over 3¼ millions, while Jullundur, the smallest, exceeds 2,800,000. The Lieutenant-Governor accordingly proposes the following allocation of the 16 rural seats :—

	Hindus.	Muhammadans
Ambala Division	2	1
Jullundur Division	2	1
Lahore Division	1	2
Rawalpindi Division	1	3
Multan Division		3
TOTAL	6	10

In other words three seats have been allotted to each division, but in order that the small minority of Hindus in the Rawalpindi and Multan Divisions should not be permanently unrepresented, the odd seat should, it is suggested, be shared by them jointly. It might of course be argued that these large plural constituencies are likely to lead to the capture of seats by the politician from the town, and that in rural districts the men of character, capacity and influence, whom it is desirable to attract to the councils, are as a rule little known outside the limits of their own districts. The Lieutenant-Governor admits that there is some, though not considerable, force in this argument, but he hopes that the danger alluded to would be avoided by enforcing a residential qualification, as suggested in paragraph 24 below, for all candidates. It would also be possible to split up the plural constituencies into smaller territorial divisions, though His Honour does not, as at present advised, think this will be necessary. Thus of the two seats for the Hindus of the Ambala Division, one might be allotted to the Hissar, Rohtak and Gurgaon Districts and one to the Karnal, Ambala and Simla Districts. Of the two seats for Jullundur Hindus, one might go to Kangra and Hoshiarpur and one to Jullundur, Ludhiana and Ferozepore. The two seats for Lahore Muhammadans might be allotted, one to Sialkot and Gujranwala and one to Lahore, Amritsar

and Gurdaspur. In the Rawalpindi Division, one seat might go to Rawalpindi and Attock, one to Jhelum and Gujrat, and one to Shahpur and Mianwali. In the Multan Division the distribution might be Dera Ghazi Khan and Muzaffargarh one seat, Lyallpur and Jhang one seat, and Montgomery and Multan one seat. These sub-divided constituencies would be somewhat unequal in size, but such anomalies are common in the United Kingdom and are almost impossible to avoid. The constituencies returning a single member, such as that for the Ambala Division Muhammadans, Jullundur Division Muhammadans and the Lahore Division Hindus, could not of course be sub-divided.

Distribution of urban seats.

9. Turning to the urban constituencies, which would consist of all municipalities, cantonments and notified areas, the following distribution is proposed, based on the figures given in paragraph 6 of this letter. The Hindus of the Ambala and Jullundur Divisions jointly would return one member and the Muhammadans of these two Divisions jointly would return one. For the Lahore Division, which comprises the two largest cities in the province (Lahore and Amritsar), there would be one Muhammadan and one Hindu member. The Hindus of Rawalpindi and Multan would jointly return one member and so would the Muhammadans of these two divisions. There would thus be three Hindu and three Muhammadan urban seats. It should here be explained that it is proposed that the small body of Sikhs resident in towns should vote not in the urban but in the special Sikh constituencies.

Distribution of Sikh seats.

10. As already explained, the Lieutenant-Governor thinks that for administrative reasons it would be more convenient to group Ambala and Jullundur together as a two-seat Sikh constituency and to let the Sikhs of Rawalpindi and Multan jointly return one member. The Sikhs of the Lahore Division would return two members. Here again the two double constituencies could perhaps be sub-divided without serious inconvenience, but the Lieutenant-Governor does not consider that there is much danger of the special Sikh seats being captured by politicians from the towns. The interests of the Sikhs are almost wholly agricultural, and they are shrewd enough to elect members who will not subordinate their interests to those of the urban residents with whom the Sikhs have little in common.

Landed gentry constituencies.

11. If justification is required for the special representation of the landed gentry, a reference may be made to paragraph 147 of the Report. The Punjab is not a province of great landed proprietors like Bengal, Bihar and Oudh; but it possesses a landed aristocracy who, in a country where feudal traditions are still strong, are the natural and acknowledged leaders of the people in most of the rural areas. They almost invariably reside on their estates and as a class have always been distinguished for their military traditions and their loyalty to the British Raj—a loyalty of which the last four years have furnished many striking examples. Many of them are descended from historical families or high officers of the Sikh and Mughal governments; others are cadets of the families of ruling chiefs, and some, such as the Ghakkars of the North Punjab, still recall with pride the legendary past when their ancestors were rulers in the Punjab. There are also among the large landed proprietors a few successful business men, who set an excellent example of enterprising and scientific farming. The landed gentry are generally men of character and intelligence and many of their sons join the Provincial Civil Service or the Commissioned ranks of the Army, but only a small proportion of them have had an English education and the Lieutenant-Governor is convinced that for many years to come few of them would stand as candidates in any but a special constituency where the electors were for the most part men of their own class. Anything like touting for votes among their social inferiors would be abhorrent to them, but their interests and those of their tenants and dependants undoubtedly deserve adequate representation, and His Honour feels that the four seats which he proposes to allot them are the minimum to which they are in justice entitled. Their representatives will form a valuable steadying influence in the council chamber where their practical experience and conservative tendencies should prove a healthy check on the impatient idealism of the educated middle-class politician.

It is not proposed that the competition for these four seats should be on a communal basis. One seat would be allotted to the Jullundur and Ambala Divisions jointly, where the number of large landowners is comparatively limited, and one each to the Lahore, Rawalpindi and Multan Divisions. The property qualification will be fairly high and the electoral roll will therefore be a small one. The probability is that the two western divisions would invariably return Muhammadans and that the other two seats would be held either by two Hindus or by a Hindu and a Sikh.

Representation of trade and industries.

12. The Lieutenant-Governor considers that the interests of the trade and industries of the province as a whole are of sufficient importance especially in view of the anticipated expansion in the future, to render their special representation desirable in the reformed council. At present the Punjab Chamber of Commerce, in which British firms predominate, returns a member, but some additional representation is clearly required. The provincial demand under part IV, schedule 2, of the now repealed Income-Tax Act of 1886 rose from Rs. 12·14 lakhs in 1913-14 to Rs. 19·38 lakhs in 1916-17, and these figures, though remarkable in themselves, do not correctly express the wealth and prosperity of the province, since the large exporting firms do not pay their tax in the province where a large proportion of their profit accrues, but in the great Presidency towns where their principal places of business are situated. During the same four years the number of companies taxed under part II of the Act rose from 58 to 89. In the last three years the value of provincial imports has increased from 31·23 crores to 34·29 crores, and that of exports from 27·58 crores to 33·90 crores. The bulk of the exports consists of wheat (8·3 crores), raw cotton (4·4 crores), hides and skins (3·2 crores), gram (3·1 crores), and piece-goods, oilseeds and wool (3·7 crores).

It is proposed that there should be two special trade and industry constituencies with one seat each, representing respectively European and Indian interests, which are not in all respects identical. Each of them would of course be provincial in area. In the case of these constituencies it is difficult to draw the line between the question of their constitution and that of the franchise appropriate for them. The latter question may therefore be conveniently disposed of here. The Lieutenant-Governor proposes that the members of the Punjab Chamber of Commerce and of the European Trades Association should conjointly form one of the two constituencies, representing in the main European commercial interests. Membership of the Chamber or of the Association would be the sole qualification for a vote. At present the two bodies have an aggregate membership of 109. The electors for the second constituency would be (1) every owner of a factory or factories, subject to control under the Factory Act, "owner" including a firm; (2) all non-private joint-stock companies registered under the Indian Companies Act with a paid-up capital of not less than Rs. 25,000. Concurrent qualifications under both the above classes would not give more than one vote and in the case of a company the vote would be exercised by a duly accredited agent. The number of factories controlled under the Act, excluding Government and Local Fund factories, is 171. The number of public joint-stock companies is 65, and nearly all of these have a paid-up capital of not less than Rs. 25,000.

It is possible that at a later stage other qualifications for a vote in the second constituency may suggest themselves. It is not proposed that any one individual should be allowed to vote in both these constituencies, even if he should have the necessary qualifications.

University representation.

13. The Punjab University is represented in the existing council by a member elected by all members of the Senate and all Honorary Fellows of the University having a place of residence in India. There are at present 84 members of the Senate and 36 Honorary Fellows. The qualification for a University vote should, in His Honour's opinion, be the same in the Punjab as in other provinces, but subject to this proviso he would add to the electoral roll all registered graduates. The existing number of these is 535, of whom 189 hold a Master's degree and 346 a Bachelor's degree. It is probable that, if the franchise is extended as proposed, a large number of graduates will add their names to the register. In 1917 over 700 students graduated and the average for the last 5 years exceeds 400.

Nominated non-officials and officials.

14. The six nominated non-official seats would be utilised to represent the interests of the Army—there are now about 400,000 Punjabis serving in the Indian Army—the domiciled community, both European and Anglo-Indian, the Indian Christians and the more backward and inarticulate classes, such as village menials. Nomination might also occasionally be necessary to redress inequalities in the results of the elections or to secure the presence of experts on the council.

As regards officials the Lieutenant-Governor considers that the number should not be less than ten or eleven in view of the necessity of having the main departments of Government duly represented and of providing official experience for the Standing Committees which will play an important rôle in training the non-official members in the system of administration.

III.—Franchise.

Electoral rolls for Muhammadans, Hindus and Sikhs.

15. There would seem to be no good reason for any differentiation in franchise qualifications as between the 5 special Sikh constituencies and the 16 rural constituencies to be distributed between Muhammadans and Hindus. It would of course be necessary to maintain three separate electoral rolls, as is now the case in municipalities where Muhammadans, Hindus and Sikhs have separate representation. Any one claiming to be a Sikh, a Hindu or a Muhammadan, and being *primâ facie* what he represents himself to be, would if possessed of the other qualifications be entered in the appropriate roll and would thereby be debarred from voting in a constituency allotted to either of the other two communities. It is not proposed that there should be any official inquisition into a candidate's claim to belong to a particular religion. As between Hindus and Muhammadans there could never be any reason for doubt. In the case of Sikhs such an inquisition might be a difficult matter, as the line of discrimination between Sikhs and non-Sikhs is often a subject of acute controversy. Some regulations may, however, be necessary, and the Franchise Committee will doubtless receive valuable advice, especially as regards the views of the Sikhs, from their colleague the Hon'ble Sardar Bahadur Sardar Sundar Singh.

Interests to be represented in rural constituencies.

16. In defining the franchise for the rural constituencies, Sikh, Hindu and Muhammadan, the aim should obviously be to form an electorate of manageable size which will adequately represent the chief interests of the rural population. The latter may be defined briefly as follows :—

(*a*) *Agriculture.*—This is practically the supreme interest and landholders who in land-revenue and water rates alone contribute three-fourths of the total revenue raised in the Province from all sources, must clearly form the bulk of the rural electorate.

(*b*) *Rural trade and industry.*—To some small extent this interest will be represented in the legislature through the special trade and industry constituencies, but it is nevertheless thought advisable that the rural trader, generally the village money-lender or shopkeeper, should, *quâ* income-tax payer, be given a vote in his rural constituency, in the same way as the payer of land revenue.

(*c*) *Co-operative interest.*—This, of course, might be regarded as merged in the general agricultural interest, but in view of the great importance and potentialities of the co-operative movement, which now embraces over 130,000 members, it is proposed to give rural co-operative societies a special electoral voice to be exercised through their presidents.

(*d*) *Tenants, artisans and menials.*—The Punjab is essentially a country of the small peasant proprietor and there is not, as in the United Provinces, a special class of tenants. Most of the tenants are the proprietors of small holdings who also cultivate part of their neighbours' land. In their case no special representation is considered necessary. As regards artisans and menials, their interests are generally speaking identical with those of the landholders, and it

does not appear to be either necessary or practicable to give them separate electoral weight otherwise than possibly by means of a nominated member.

(*e*) *The military interest.*—This is of great importance, as the agricultural community provides practically the whole of the Punjab contingent in the army. Retired military men would form an element in the electorate whose intelligence has been sharpened by contact with the outside world and has moreover been subjected to the wholesome influence of regular discipline. The question whether officers and men on the active list should be entitled to vote is one primarily for the military authorities. There should obviously be uniformity of practice in this respect throughout India.

Classes of rural franchise.

17. The Lieutenant-Governor proposes that all males not disabled by insanity, insolvency or serious criminality, who are British subjects of not less than 21 years of age and who are included in one or more of the following classes, should be entitled to vote in the Muhammadan or Hindu rural constituencies or in the special Sikh constituencies, as the case may be :—

(i) *Lambardars (village headmen) as such.*—This proposal is based on the desirability of giving each of the 33,421 villages in the Province an indirect voice in the elections. The lambardar is usually the most influential member of the proprietary body and is also the officially recognized representative of the village or of its sub-division in its relation to the administration and the outside world generally, his primary and most important duty being the collection of the land revenue. He is therefore a man accustomed to exercise some authority and responsibility both as the representative of the village on the one hand and the agent of Government for certain purposes on the other. Appointment to the post is made by the Collector, hereditary claims under a rule of primogeniture being by legal prescription the most important consideration in deciding between rival candidates, though capacity, influence and extent of land owned can to a certain extent be taken into consideration. The total number of headmen's posts is 65,327, giving an average of two per village, and though in a few cases one individual may be headman in more than one village, it is proposed to allow such persons a vote in respect of each such village, as the intention is that headmen should vote not in their individual but in their representative capacity. This will form an exception to the general rule forbidding plural voting within the limits of a single constituency. For the same reason it is not proposed to prescribe a minimum property qualification in the case of lambardars, as in the village it would certainly be regarded as an anomaly that the lambardar, whatever his financial position, should be excluded from the franchise, while landowners who are not lambardars are admitted. Moreover the prescription of a property qualification so low as an annual land revenue payment of at least Rs. 25 would exclude over 38,000 lambardars, while a similar limit of Rs. 50 would exclude more than 50,000. Either limit would defeat the whole object of the proposal which is, as explained above, to give every village in the province, however low its average wealth and however minute its individual holdings, a voice in the elections through its local and officially recognized representative.

The urban politician will no doubt criticize the inclusion in the electoral roll of some 65,000 voters who can be represented with some plausibility as owing their votes to an official appointment. To such criticism the most effective reply is the unanimous resolution giving every lambardar the vote passed by the non-official members of the existing Legislative Council, to whom the views of the local Government had not been communicated, on the 21st November. If further justification is required, it may be pointed out that the appointment is in the vast majority of cases merely an official recognition of an

inherited right to succeed, that if we postulate a direct electorate of manageable size, the plan suggested is the only practicable way of enfranchising every village, and that a secret ballot precludes, at all events in theory, the pressure of official influence on the electors. It should be added that in most districts headmen as such are now entitled to vote in district board elections.

Owners of land, exclusive of mortgagees, whose holding, or share in a holding, is assessed or assessable to land revenue of an annual amount not less than a certain sum to be fixed; and crown tenants holding lands under the Punjab Colonisation of Land Act (Punjab Act V of 1912), or lessees for a term of not less than ten years under the waste land lease rules, subject in both cases to a similar property qualification as that prescribed for landowners. In fixing the amount of the property qualification, which must obviously be expressed in terms of land revenue, two objects must be kept in mind. Firstly, the electorate must be of manageable size and, secondly, it must be sufficiently large to provide for the adequate representation of the 3½ million land-revenue payers of the province. On the whole the Lieutenant-Governor considers that, including the lambardars, the total rural electorate for the 16 Hindus and Muhammadans and for the 5 Sikhs seats should be somewhere between 125,000 and 200,000. The average annual land revenue payment per owner is between Rs. 10 and Rs. 12 and there are only about 304,000 (including crown tenants) or just over 8½ per cent. of the total, who pay more than Rs. 25 a year. It will be observed from the enclosure that the non-official members are in favour of putting the property qualification as low as Rs. 20, which would probably enfranchise some 400,000 revenue payers. This would, in His Honour's opinion, be an unmanageably large electorate. If the minimum property qualification be fixed at Rs. 50 land revenue per annum, the total number qualified would be 110,000 landowners and 18,000 crown tenants, or 128,000 in all. But making a roughly calculated deduction for minors, females and plural counting the net number of voters would be about 100,000. Of these, 15,000 would already be enfranchised as lambardars, so the net addition to the electoral roll with a property qualification of Rs. 50 would be 85,000. If this figure is considered needlessly high, the Lieutenant-Governor would fix the minimum property qualification at Rs. 75 per annum. This would give a gross total of 75,000 persons qualified and a net total, after making the necessary deductions, of about 60,000 voters. Probably as many as 8,000 of these would enjoy the franchise as lambardars, so the total addition to the electoral roll under this qualification would be about 52,000. In other words, the effect of a Rs. 50 minimum qualification would be an addition of 85,000 voters to the roll, whereas a Rs. 75 qualification would add about 52,000.

A suggestion has been made that the property qualification should vary in different parts of the province. The point is of practical importance only in the colony districts and notably in Lyallpur where, owing to the enhanced value of the land and relatively high incidence of land revenue, the proportion of owners or crown tenants paying more than Rs. 50 per annum, is very much higher than in other districts. For example, with a property qualification of Rs. 50 the total number of persons enfranchised in the whole Multan Division would be 54,143, of whom no less than 34,873 would be residents of Lyallpur District. If the qualification were raised to Rs. 75, the number of persons enfranchised would be 36,005, of whom 24,824 would belong to Lyallpur. In either case Lyallpur landowners and crown tenants would have a preponderating voice in the elections for their division. At the same time it is a fair enough general principle that voting strength should correspond roughly to the amount contributed to the revenues of the State, and the Lieutenant-Governor does not think that the peculiar circumstances of the colony districts justify the imposition of a special property qualification

(iii) *All zaildars (rural notables appointed by the Collector for a zail or circle of villages for general assistance to the administration) and all sufedposhes and inamdars (rural notables of a lower status but exercising functions similar to those of zaildars).*—The rural notables known as zaildars, sufedposhes and inamdars are as a rule selected from among lambardars of a superior class in consideration of their merit, influence and property. There are in all 1,636 zaildars and 2,671 sufedposhes and inamdars. But nearly all of these would enjoy the franchise as lambardars. The addition to the electoral roll on account of this class would therefore be inconsiderable, but His Honour thinks it desirable to provide for such cases as may exist.

(iv) *Assignees of land revenue.*—Persons enjoying by the bounty of Government assignments of land revenue are an important rural class, the grants being generally hereditary and dating often from the time of native rule. They range in status from men of rank and importance enjoying *jagirs* of an annual value of many thousands of rupees to small *muafidars* whose grants are worth only a few rupees per year. The Lieutenant-Governor proposes to give the vote to assignees enjoying an annual sum of not less than Rs. 200. The total number of such assignees is at present 1,289, but many of them are also owners of land. The net addition to the electoral roll may be estimated at 900. A resolution to enfranchise all assignees of Rs. 20 or more was carried by the non-official members, but there is no need to fix so low a limit, which would admit a number of petty *muafidars* of little position or influence.

(v) *Non-official members of district boards resident in rural areas.*—Such members are voters for the election of members of the existing Legislative Council, and it would be inadvisable to disenfranchise them. The present number of non-official members of district boards is 841, but most of them would be included among one or other of the previous classes and the net addition which they would provide to the electoral roll may be taken at only 200.

(vi) *Honorary Magistrates and Honorary Sub-Registrars resident in rural areas.*—The present numbers are 111 Honorary Magistrates and 15 Sub-Registrars. Here again many individuals would be included in previous classes, but where this is not the case the Lieutenant-Governor considers that the official status in question should qualify the holder for a vote. This again is in accordance with the views of the non-official members of the existing council. A net addition of 60 may be made to the electoral roll on this account.

(vii) *A.—Retired and pensioned Indian Military Officers of or above the rank of Jamadar* (i.e., *the lowest commissioned rank*).—These officers would help to represent the military interest referred to in paragraph 16 above. Their number has been returned at 1,750, but this is probably an underestimate. In any case it is certain to increase largely in the near future, as many officers will retire now that hostilities have come to an end. Many of the officers would, however, enjoy the franchise as landowners or crown tenants, and it would probably be correct to estimate the number to be added to the electoral roll on account of military rank alone as at least 2,000. The inclusion of this class is independently recommended by the non-official members, who would add every Indian soldier who has received a decoration or has been awarded a wound or injury pension. The number who would qualify under this addition cannot at present be estimated.

(vii) *B.—Civil pensioners of Government or of a local body, resident in rural areas and drawing a pension of not less than Rs. 500 per annum.*—The total number has been returned at 343 and allowing for overlapping the addition to the electorate may be taken as at least about 250.

(viii) *All persons, including servants of Government, resident in rural areas who pay income-tax.*—The total number of such income-tax payers is nearly 23,000, but, if the property qualification in the case of land-

owners is fixed at an annual land revenue payment of Rs. 50 or Rs. 75, there would seem to be no reason to enfranchise persons who pay less than Rs. 50 income-tax. It is accordingly proposed to give the vote only to persons paying on incomes of not less than Rs. 2,000 per annum, the amount of tax in the case of such an income being at present Rs. 52. The number of such income-tax payers is estimated at 5,500. It will be seen from the enclosure that a proposal to limit the franchise in the case of income-tax payers as proposed was defeated by a narrow majority at the recent Council meeting.

(ix) *All presidents of agricultural co-operative societies registered under the Co-operative Societies Act.*—The present number of these is 3,995, of whom 1,852 are village headmen and a certain number would also be qualified as landowners. The probable net addition to the electorate under this head would be about 2,000. These men too, like the village headmen, would vote as representatives of their societies. This proposal accords with the views of non-official members.

(x) *All registered graduates of an Indian University.*—The educated community will certainly demand that the possession of a university degree should confer a vote not only in the special University constituency but also in the ordinary constituency of residence, and in present conditions the Lieutenant-Governor thinks this demand is not unreasonable. The number of registered graduates at present is, as already explained, very small, but if this proposal is accepted, a large number will probably register themselves and the total number of electors under this qualification should perhaps be estimated at not less than 600.

Estimate of total number of rural voters.

18. The total number of rural voters under each of the above classes would thus be approximately :—

(i)	Lambardars		65,000
(ii)	Landowners and crown tenants with a property qualification of Rs. 50		85,000
(iii)	Zaildars, sufedposhes and inamdars		100
(iv)	Assignees of land revenue		900
(v)	Members of district boards		200
(vi)	Honorary Magistrates and Sub-Registrars		60
(vii)	(a) Pensioned Military Officers	2,000	2,250
	(b) Civil Pensioners	250	
(viii)	Income-tax payers		5,500
(ix)	Presidents of Co-operative Societies		2,000
(x)	Registered graduates		600
		TOTAL	161,610

or say 1,60,000 round. By raising the property qualification to Rs. 75 per annum the number of voters will be reduced by about 33,000 and would stand at roughly 127,000. That figure is slightly in excess of the present district board electorate of the province, which is about 120,000. The proposed electorate of 160,000 would be slightly less than 1 per cent. of the total rural population of 18 millions; and the average number of voters for each of the 21 rural seats (*i.e.*, the 16 Hindu and Muhammadan and the 5 special Sikh seats) would be between 7,500 and 8,000.

Franchise in urban constituencies.

19. In urban constituencies it is proposed that all males, not labouring under the disqualifications mentioned in paragraph 17, who are British subjects and not less than 21 years of age and who are included in one or more of the following categories should be entitled to vote :—

(i) *All persons including servants of Government who pay income-tax.*—There is no object in the case of urban constituencies in imposing a minimum income qualification. Income-tax payers as a class are essentially an urban interest. The total number residing in towns is returned at nearly 21,000.

(ii) *All registered graduates of an Indian University.*—The reasons for the inclusion of this class are the same as in the case of rural constituencies. The total number of graduates residing in towns is several thousands, but very few of these are at present registered. Assuming that most of them will register, the number on the electoral roll may be estimated at 2,000.

(iii) *Retired Military Officers and pensioners, as in rural constituencies.*—The number is approximately 1,000.

(iv) *All non-official members of municipal and notified area committees.*—The number of these is 912 but allowing for those who are income-tax payers or graduates the net addition to the electoral roll may be taken at 800.

(v) *Honorary Magistrates and Honorary Sub-Registrars.*—The total number resident in towns is 263 and the net addition to the roll may be put at 200.

(vi) *Presidents of urban co-operative societies.*—The co-operative movement in urban areas is of growing economic and social importance, and it seems desirable that this should be recognised in framing the electorate, although the present number of such societies is only about 60.

(vii) *Owners of immoveable property.*—The committee appointed by His Honour to examine the question of franchise suggested a minimum property qualification of Rs. 20,000 as being roughly equivalent to a net annual rental of Rs. 800 to Rs. 1,200. It estimated the number of persons with this qualification at about 10,000 and of these approximately one-half would also be income-tax payers. The Lieutenant-Governor is disposed to think that this qualification is unnecessarily high and he would lower it to Rs. 10,000. It is calculated that this would enfranchise some 30,000 persons of whom 10,000 would be income-tax payers. The net addition to the electoral roll would thus be 20,000, but the figures are at the best only a rough guess.

(viii) *Lambardars as such and owners of agricultural lands situated in urban limits.*—In the case of land-owners the property qualification should be in terms of land revenue payment and the minimum should be the same as in the rural constituencies, either Rs. 50 or Rs. 75 per annum. Adopting the lower figure a rough estimate puts the number of voters under this class at 5,000. The higher figure would give probably 3,000.

(ix) *Persons paying direct municipal taxes amounting to not less than Rs. 50 per annum.*

(x) *Persons occupying premises of an estimated annual value or rental of not less than Rs. 120.*

Only the roughest possible estimate can be made of the number of voters of these two classes, but the Lieutenant-Governor is inclined to think it would be somewhere in the neighbourhood of 20,000.

Estimate of total number of urban voters.

20. The total number of urban electors, after allowing for over-lapping, would thus be :—

(i)	Income-tax payers	21,000
(ii)	Graduates	2,000
(iii)	Retired military and civil pensioners	1,000
(iv)	Non-official members of local bodies	800
(v)	Honorary Magistrates and Sub-Registrars	200
(vi)	Presidents of co-operative societies	60
(vii)	Owners of immovable property of a gross value of not less than Rs. 10,000	20,000
(viii)	Owners of agricultural land	5,000
(ix)	Persons paying municipal taxes amounting to not less than Rs. 50 per annum	20,000
(x)	Persons occupying premises valued at not less than Rs. 20,000	
	TOTAL	70,060

say, 70,000 round, returning 6 members or an average of rather over 11,000 per member. The number of voters would thus be a little over 3 per cent. of the total urban population of 2 millions. This proportion may be contrasted with the existing municipal electorate which is about 225,000 or 11 per cent. of the total urban population. It should, however, be noted that the latter percentage is the highest similar proportion in India, the next highest figure being 8 per cent. in Bengal, while in the United Provinces it is as low as 1·5 per cent., the average for the whole of India being 6 per cent. The present municipal franchise also varies very widely from town to town. The existing proportion of municipal voters to total population in the Punjab need not therefore be accepted as a cogent argument for an equally wide urban franchise for the reformed council. On the other hand the existence of a large municipal electorate familiar with the use of the ballot box is an argument in favour of a wider franchise in urban than in rural constituencies.

Franchise for landed gentry constituencies.

21. The qualification for a vote for the four landed gentry seats would be the payment of an annual sum in land revenue which the Lieutenant-Governor would fix provisionally at Rs. 500. Assignees of that amount would also be entitled to vote. A return showing the total number so qualified has been called for, but it is probable that the number enfranchised will be somewhere between 2,000 and 3,000. To these the Lieutenant-Governor would add hereditary darbaris, who number 277. A rough guess puts the electorate for each of the four constituencies at about 600.

Franchise for three special constituencies.

22. The franchise for the three special seats, *viz.*, trade and industries, and University, has already been described in paragraphs 12 and 13.

Plural voting.

23. As has been explained in paragraph 17 (*i*), it is proposed that the lambardar should have a vote for every village of which he is headman, even if this gives him more than one vote in a single constituency. With this exception, both in urban and rural areas concurrent qualifications under two or more classes of franchise will not give more than one vote in one and the same constituency. As regards the question whether a voter qualifying in more than one constituency should be allowed to vote in each such constituency, the Lieutenant-Governor is of opinion that the rule in the Punjab should be the same as in other provinces. Subject to this reservation, His Honour thinks that in the case of a largely illiterate and untrained electorate, wealth and education as such should be given special weight. At the census of 1911 only one male in 16 could read and write, and only one in 110 had any knowledge of English. He is therefore inclined to allow plural voting of this description. As regards the special constituencies, *i.e.*, those for which the voting will not be on a communal basis, he would allow voters on the landed gentry roll to vote in their communal urban or rural constituencies, as the case may be. Those on the electoral roll for the special trade and industrial constituencies and for the University constituency would be allowed to vote in their ordinary territorial constituencies if duly qualified. Certain of the officers consulted by the Lieutenant-Governor do not, however, share this view, but the matter is not one to which His Honour attaches much importance.

Qualifications of candidates.

24. The subject of the qualifications to be required of candidates is one of considerable importance and it may conveniently be dealt with in connection with the franchise. It seems to His Honour obvious that some special precautions must be taken to prevent so far as possible the capture of rural seats by "carpet-baggers" with purely urban interests or by the nominees of a party caucus. It may of course be argued that restrictive qualifications would tend to deprive rural constituencies of candidates of suitable education and intellectual calibre. Such a result might possibly make itself felt to some extent in the initial stages of the new political system. But Sir Michael O'Dwyer feels that in regard to this matter it is necessary to take a longer view. What we want to aim at is the political education of the rural masses and if our object is ever to be attained we must

encourage them to produce from among their own ranks men fit to represent them in the reformed councils. He observes that in the new constitution granted to the Philippine Islands by the United States in 1916 prior residence of at least a year not only in the Islands but also in the electoral district is insisted upon, as well as a voter's qualification, literacy and a minimum age of 25. The qualifications he proposes as essential for candidates are as follows :—

(i) a voter's qualification in the constituency.

(ii) literacy in all cases.

(iii) for rural constituencies persons belonging to classes 7 (*b*), 8 and 10 (*cp.* paragraph 18) would not be entitled to stand for election unless they were also qualified under at least one of the other classes,

(iv) the candidate must have been resident in the constituency for which he stands for not less than three years in the case of rural and for not less than one year in the case of urban constituencies.

It is also suggested that candidates must be not less than 25 years of age.

IV.—The Indian Legislative Assembly and Council of State.

Indian Legislative Assembly.

25. In paragraph 31 of Mr. Thompson's letter of the 5th of November 1918, the Lieutenant-Governor has asked that at least 8 members of the Legislative Assembly should be assigned to the Punjab and has tentatively suggested that they should be as follows :—One Sikh representative, one representative of the landed gentry, one urban representative and five rural representatives, one for each division. His Honour would prefer that for the present at any rate election to the Legislative Assembly should be indirect, that is that the Punjab members should be elected by the elected members of the local council. Apart from the difficulties surrounding direct election to which allusion is made in paragraph 273 of the Report, it is desirable at least in the beginning to avoid the disturbance and additional work involved by a simultaneous or second election. Whether the election by members of the local council should be on a communal or a general basis clearly depends on the decision as to communal or general electorates for the local council. If the Lieutenant-Governor's proposals in that respect are accepted, he would suggest that the urban representative on the Legislative Assembly should be elected alternately by the Hindu and Muhammadan urban members of the Council. Of the five rural representatives three should be elected by the Muhammadan rural members of the Council and two by the Hindus. The representatives of the Sikh community and of the landed gentry would of course be chosen by the members representing those two interests respectively. If only seven seats are allowed there would be some difficulty in securing adequate representation of the Muhammadans, and this is a further argument for allowing eight.

Council of State.

26. Paragraph 277 of the Report contemplates that the non-official members of each provincial council should return two members to the Council of State His Honour suggests that the non-official members of the Punjab council should be asked to elect one Muhammadan and one other member. The latter might be a Hindu, a Sikh or a European. Sir Michael O'Dwyer is at present unable to make any suggestions as regards the six elected members of the Council of State who are intended to supplement the representation which the Muhammadans and the landed classes of India generally will otherwise secure.

Electoral machinery.

27. The Lieutenant-Governor has not yet had leisure to examine the question of electoral agency to supervise polling, to adjudicate on election petitions and to maintain the electoral rolls. These questions are, however, being examined by a small committee of officers, and His Honour hopes that a note on the subject will be ready before the Franchise Committee visits Lahore.

Summary of the Proceedings at the meeting of the Punjab Legislative Council, held on the 20th and 21st November 1918.

NOTE.—There were 14 non-official members present, all Indian.

1. A resolution that the strength of the Punjab Legislative Council should not be less than 100 was carried, with 2 dissentients. The latter favoured a Council of 60.

2. A resolution that four-fifths of the Council should be elected, and that only one-half of the remainder should be officials, was carried, with 4 dissentients.

3. A resolution proposing separate constituencies for the rural and urban populations, was carried by 10 votes to 4.

An amendment substituting the words "agricultural" and "non-agricultural" for "rural" and "urban," was defeated by 8 votes to 6.

4. A resolution that the representation of each group should be in proportion to its population, was carried by 8 votes to 6.

5. The following resolutions regarding franchise qualifications were discussed :—

(i) The rural property qualification to be the payment of an annual land revenue of no less than Rs. 20 or receipt of an assignment of equal amount : carried by 8 vote to 6.

(ii) All income-tax payers—carried by 8 votes to 6 —after an amendment limiting the franchise to persons paying an income-tax exceeding Rs. 50 had been defeated by a similar majority.

(iii) A proposal giving the franchise to persons possessing house property of a minimum value of Rs. 5,000 was defeated by 8 votes to 6.

(iv) A resolution giving the franchise to non-student matriculates or persons holding a Punjab University diploma on the Oriental side, was carried by 9 votes to 5.

(v) It was unanimously resolved that title-holders and Government Darbaris should enjoy franchise.

(vi) It was unanimously resolved that Commissioned Indian Officers, who are on the active list or retired, and soldiers who had been decorated or were in enjoyment of wound or injury pensions, should be given the franchise.

(vii) The Council was unanimous that the franchise should be enjoyed by every Lambardar, member of a District Board, Municipal Committee or Notified Area Committee, every Honorary Magistrate and President of a Co-operative Society. It also resolved, with one dissentient, that Zaildars and Sub-Registrars should enjoy the franchise.

6. A proposal that for seats allotted to the rural population, candidates should belong to statutory agricultural tribes, unless they have a permanent residence in rural areas, was defeated by 8 votes to 6.

7. A resolution affirming the Congress-League agreement to the effect that Muhammadans should be allotted 50 per cent. of the elected Indian membership, was carried by 12 votes to 2, the two dissentients being Sikhs.

An amendment prefixing the words "subject to the just claims of the Sikhs" was lost by the same majority.

8. A resolution that the Sikhs should have one-third of the total elected seats was supported only by the two Sikh members present and was defeated by 10 votes to 2.

---

(2) Note of a discussion with the Lieutenant-Governor of the Punjab, held at Lahore on the 7th December 1918.

The Committee met the Lieutenant-Governor of the Punjab (The Hon'ble Sir M. F. O'Dwyer, G.C.I.E., K.C.S.I., I.C.S.).

Before the Committee proceeded to consider the specific questions set down for discussion, His Honour explained that the Local Government had framed its scheme for the franchise and for the composition of the Council on the general lines laid down in the joint Report, but in the Punjab three local conditions had to be taken into consideration.

Firstly, there were three instead of the two usual communities, the third being the Sikhs who were in a minority everywhere. This made the question of communal representation more urgent than in other provinces. The three communities must be satisfied that they had been fairly dealt with, and that they were being given equality of opportunity.

Secondly, there was in the Punjab, a marked line of cleavage between the rural and the urban areas which did not run on communal lines. This was partly the result of a general difference of interest and partly of the special legislation which had given the rural population its peculiar position. The rural population was

predominant in numbers and probably paid over 90 per cent. of the taxes. The great mass of this population consisted of small peasant proprietors who numbered 3½ millions, organized in strong village communities which acted through the village headmen. Full account therefore must be taken of this interest.

Thirdly, the people and the administration were more closely connected in the Punjab than elsewhere. This was partly owing to the recent occupation of the province; in part it was the result of the Punjab being the base for frontier operations; and in part it was the result of the active co-operation between the Government and the people in the development of the province. This association should be preserved.

These three local considerations had been taken into account by the local Government in formulating their scheme rather than logical precision or theoretical completeness. Though not perhaps so subtle-minded as other Indians, the Punjabis were a rough and vigorous race of great common-sense, and the Punjab scheme must satisfy them in its broad lines.

The meeting then proceeded to consider the following question :—

1. The possibility of lowering the franchise so as to give a somewhat larger electorate, particularly by lowering :—

(a) Rural ; the land revenue qualification of Rs. 50.
(b) Rural ; the income-tax qualification to all income-tax payers.
(c) Urban ; immoveable property of Rs. 10,000 value ;
(d) Urban ; municipal tax of Rs. 50.
(e) Urban ; rental of Rs. 120.

Sir Frank Sly said that it had been urged before the Committee that the land revenue qualification should be lowered because the Report recommended that the basis should be as wide as possible. Some of the rural representatives also had urged that this should be done in order to secure their adequate representation. It had also been argued that the income-tax qualification in rural and urban areas should be the same. The immoveable property qualification in urban area was high as compared with other provinces, and so was the proposed qualification of Rs. 50 municipal tax. Elsewhere the proposals went as low as Rs. 3 and even Rs. 1-8-0. The same remarks applied to a rental of Rs. 120 in urban areas. A rent of Rs. 10 a month could only be paid by a fairly big man.

His Honour said that generally speaking the vote should be regarded as a matter of *izzat* and a privilege not to be given cheaply. They wanted voters with a sense of responsibility and with a stake in the country. Their experience of lowering the franchise in municipalities was that it led to complaints of corruption. In some cases candidates had refused to stand as a protest against the bribes demanded and in other cases it had been proved that bribes had actually been given, in one election to the extent of Rs. 40,000. A voter should be regarded as a person in a position of honour like an assessor. This was the more necessary owing to the backwardness of the rural population. His intention was that the village should be represented by the headman who would be amenable to village opinion. In proposing a qualification of Rs. 50 land revenue in rural areas, his intention was to prevent tyranny on the part of the headman by giving votes to other substantial men who were likely to exercise it with some sense of responsibility. He quoted the last District Board Report to show the apathy that prevailed in regard to District Board elections. Out of 175 elected seats which fell vacant, only 27 had been contested, and 14 elected seats, ten of which were in the same district, had had to be filled by nomination. In Ludhiana where the contests were keen only two-thirds of the voters had voted. In Amritsar no interest had been shown. In Gurdaspur there had been no contest because the electors were satisfied with their representatives. This could not be ascribed to the fact that the local bodies had no power. They were asked to decide a number of questions of local importance, such as the position of schools. The number of officials on these bodies had been deliberately cut down by Government and Government had also attempted to force non-official chairmen and the elective system upon the Boards in the western districts. He did not think that big constituencies would be a safeguard against corruption. That would only mean that the individual briber would be smaller. In municipal elections more interest was shown. In 70 out of 100 municipalities the elective system was in force. The local Government

had been trying to extend the elective system and was about to introduce it into 8 other municipalities. At the last elections the majority of vacancies were not contested. Last year 25 seats in all had been contested out of 131. Two years ago it had been proved in Jhelum, where there was a low franchise, that votes were to be had for Re. 1.

Mr. Aftab pointed out that in the Punjab there was no trouble between landlord and tenant. The tenants were of a superior class and would make suitable electors. It was undesirable to exclude 3½ millions of such persons from political education.

His Honour was against extending the franchise widely to begin with, until some *izzat* was attached to the vote and a demand for it had been created. He would go cautiously and extend the franchise as the demand and capacity for exercising it increased. Out of 160,000 rural voters 150,000 would be lambardars or agriculturists. The original proposal in the local Council was that the qualification for a vote should be the payment of no less than Rs. 200 land revenue, and amongst the better classes there was at present a desire to raise the franchise in the municipalities where it was very low. 11 per cent. of the urban population had votes in the Punjab as against an average for all-India of 6 per cent. In the Philippines, where the revenue per head was almost identical with that of the Punjab, a vote was given to any one who paid 30 piastres (=Rs. 48) a year in established taxes. The views of men who paid Rs. 20 in land revenue were likely to be the same as those who paid Rs. 50. It would be easy to expand, but difficult to reduce the franchise. He was prepared to lower the immoveable property qualification in urban areas to Rs. 5,000 value. In the rural areas, he was not in favour of a property qualification. The land revenue qualification was more suitable and easier to ascertain. Non-agriculturists in rural areas would come in under other qualifications, for instance income-tax payment. An income-tax payment of Rs. 52 had been proposed, so that agriculturists who paid Rs. 50 in land revenue might not have a grievance.

2. The question of simplifying the franchise proposals by excluding the following special classes :—

(a) Rural.

(v) *Non-official members of district boards,*
(vi) *Honorary Magistrates and Honorary Sub-Registrars,*
(vii) *Civil pensioners on Rs. 500.*
(viii) *Presidents of Agricultural Co-operative Credit Societies.*

(b) Urban.

(iv) *Non-official members of municipal and notified area committees ;*
(vi) *Presidents of urban co-operative credit societies.*

Further—

(c) Whether for the sake of simplicity assignees of land revenue should not be put on the same basis as payers of land revenue.

(d) Whether owners and occupiers of immoveable property should not be combined into one class based on the annual rental value.

Sir Frank Sly said that the evidence received by the Committee had shown that there was a feeling against the present method of indirect election to the Council through local bodies. The feeling was that these bodies should be kept out of politics, and that as their members were largely nominated they would not make a suitable electorate.

His Honour said that his view on this subject was practical rather than logical. There was a feeling that to deprive these non-official members of the District Boards of the franchise would tend to make the scheme unpopular. It could be done later. At present the members voted individually. He was not strongly in favour of the suggestion that only elected members should vote, but he had no objection to it.

The non-official members of Council had been unanimously in favour of giving a vote to presidents of co-operative societies. These men were in no sense officials. There were 135,000 members of these societies, and to give a vote to the presidents would encourage the movement. They would only have to vote once in three

years and there would be too much at stake for presidents to be selected on political grounds. These men had real responsibilities. For the most part they were not lambardars and they would act as a useful check on the lambardars. If they were given a vote it would increase the respect in which the vote was held.

He was prepared to accept the proposal that assignees of land revenue should be put on the same basis as the payers of land revenue. The higher figure fixed for the assignee had been taken because it had been reckoned that a land revenue of Rs. 50 was roughly equivalent to an income of Rs. 250.

He also agreed to combining the owners and occupiers of immoveable property into one class.

3. The question of lowering the general educational qualification from graduates to non-student matriculates. If not, whether all graduates should be qualified rather than registered graduates only.

His Honour was against lowering the general educational qualification to include non-student matriculates. He was anxious that the voters should be men of some status He would include graduates of any university in the British Empire omitting the word " registered " and he would also include persons who had passed other examinations recognised by any such university as equivalent to a degree.

4. The question of giving a separate vote to lambardars, sufedposhes and inamdars. Whether lambardars should exercise a plural vote or whether the vote should be exercised by the substitute in cases where the lambardar holds more than one village.

His Honour said that sufedposhes and inamdars were usually picked lambardars. They were rather higher than lambardars and in charge of circles. They were appointed and could be dismissed by the Collector, but they were not really officials and he thought that they would vote independently. The Local Government dealt with the village as a whole, and the lambardars were not in the same position as, for instance, the patels in Madras who were merely collectors of land revenue. It was most important not to antagonize the existing machinery. The idea was that every village should have a vote, and if votes were not given to lambardars whole villages where there had been much sub-division, as in the central districts, or where the assessment was light might be disfranchised. They proposed to give plural votes to lambardars for this reason. He had an open mind in regard to substitutes voting for the lambardars; the substitutes must be local men and he saw no objection. He thought it would be difficult for the lambardars to consult the village before they voted. In any case this would be no guarantee that they would vote in accordance with the villagers' wishes.

Mr. Hailey said that the man with the largest holding in the village was nearly always the lambardar, who represented the stock of the original founder. If any lambardar was not qualified by the payment of land revenue, it might be taken that all the holdings in that village were small.

5. The question whether, if a separate electorate is given to big landowners, the members of this electorate should be debarred from candidature elsewhere.

His Honour said that if graduates were allowed to stand in the general electorates, he did not see why landholders should not also be allowed to do so. In the Punjab the landholders were not a class apart as in other provinces and he did not think that there was any fear of their dominating the general electorates.

6. The re-arrangement of rural constituencies on the basis of the district unit, so far as this is practicable.

An increase in the proposed size of the Legislative Council consequential on the acceptance of any of the above suggestions. The proportion of nominated members and of official members.

His Honour said that the re-arrangement of rural constituencies on a district basis was complicated by the necessity for communal representation. The proposal might lead to an unmanageably large Council, but it would be possible to group some of the districts. One objection to this arrangement had occurred to him. It was that there might be " two kings in Brentford," namely, the district officer and the elected member, just as in France difficulties were sometimes experienced between the Deputy and the Prefect.

7. The re-arrangement of urban constituencies by :—

(1) *making separate constituencies of the very large towns :*

(2) *combining the very small towns* (e.g., *notified areas*) *into the rural constituencies.*

(1) The formation of separate constituencies out of the very large towns would also in His Honour's opinion lead to difficulties because of communal representation. He had no objection to the proposal but he thought that it would be necessary to group the towns.

(2) A 'notified area' contained a population of less than 10,000 and a town or a bazaar ; it must not be a purely agricultural village but urban features must predominate. The smaller municipalities were similar. Their interests were trade and commerce. The notified areas should be included in the urban electorates.

He would consider the proposals contained in this question with a view to reconsidering the scheme.

8. The suggestion that the candidate for the second commercial seat should be elected by an electorate of all income-tax payers deriving their income from trade and commerce rather than by factory-owners and joint stock companies.

Mr. Hailey pointed out that certain classes of traders, such as brickmakers and tent makers, would not be included in the trade and commerce electorate proposed by the Local Government, but the objection to the alternative now proposed was that, if all income-tax payers deriving income from trade and commerce were formed into an electorate, the electorate would represent money-lenders and householders rather than trade and commerce.

Mr. Hogg thought that the original proposal made by the Local Government was much the better alternative. His Honour was prepared to accept Mr. Hogg's opinion.

As regards the second part of question No. 6 His Honour was prepared to increase the size of the Council to 60, doubling the present Council in accordance with what was generally proposed in other provinces. He thought that 60 would be a manageable number and that all interests would be adequately represented. It would be easy to add but not easy to reduce later on. By this proposal the number of elected members would be raised from 11 to 40. He feared that a Council of 100 members would be too big for educative purposes, and that half the members would be incapable of taking an intelligent interest in the proceedings. He emphasized again the necessity of a seat in the Council being regarded as a position of *izzat*.

He proposed to distribute the 40 elected seats as follows :—

University	1
Commerce and Industry	2
Sikhs	6
Landed gentry	4 (if on a communal basis, 2 seats to Muhammadans, 1 to Hindus and 1 to Sikhs).
Urban	7 (4 to Muhammadans and 3 general, no seat being reserved for the Sikhs).
Rural	20 (13 for Muhammadans and 7 general).

Of these 40 seats, probably 19 would be held by Muhammadans, 13 by the Hindus, if, as was likely, they secured the university seat and one of the trade and commerce seats, 7 by the Sikhs and probably one by a European. The nominated members would amount to 20, of whom 13 would be officials and 7 non-officials. There would thus be 47 non-officials in all in the Council and at the most 14 Europeans. The nominated non-official members would probably represent the domiciled Europeans, the Indian Christians, the military classes, the nobility, the depressed classes and possibly the tenants. The Sikhs, who represented 11 per cent. of the population, would get 6 seats. In deciding the constitution of the Punjab Council the position of Sikhs in other provinces could not be taken into account.

The Local Government had not been approached by the European or Anglo-Indian communities with a request that they should be allowed to elect their member, but *primâ facie* they were entitled to a seat by nomination. Personally he would have no objection to election if the communities were sufficiently organised to form an electorate.

Lord Southborough said that such electorates tended to become loose, and that Government should exercise some control over the system of voting and the elections.

9. The question of residence in the constituency as a qualification for a candidate, and the disqualification of pensioners, income-tax payers and registered graduates as candidates for rural constituencies.

His Honour said that when the Local Government desired a candidate to be resident in his constituency, they meant that he should have a place of residence there. This was the present rule and it was desirable, partly because local knowledge was very necessary in a candidate and partly because responsibility could be better fixed by the electorate on a local man. In the constitution of the Philippine Islands a candidate was required to have resided for a year in his constituency. The agricultural classes did not object to lawyers as such representing them, but to lawyers drawn from other classes. They tended to distrust a townsman as a representative of their real interests, and it was part of their education to try and find suitable representatives out of their own ranks.

As regards the disqualification of pensioners, income-tax payers and registered graduates as candidates in rural constituencies, he realised that it was difficult to defend it on general grounds, but such men would not be in touch with the circumstances and feelings of the rural classes and he thought that local conditions rendered the rule desirable. He was however content to leave it to the decision of the Committee.

---

(3) Tabular statement of the proposals of the Local Government as revised after discussion with the Franchise Committee on a basis of communal representation for (a) Muhammadans and (b) Sikhs, and general residual representation for (c) "Others," of whom the vast majority are Hindus.

I.—Total seats		60
Nominated	$\frac{1}{3}$	=20
Of whom (1) officials	13	
Of whom (2) non-officials	7	
TOTAL	20	
Elected	$\frac{2}{3}$	=40

Details of elected seats—	Muhammadans.	Sikhs.	"Others."	TOTAL.
(1) Special constituencies— 2 Trade and Industry and 1 University	...	...	...	*3
(2) Communal Sikh constituencies (rural and urban combined)	...	6	...	6
(3) Large land-owners (rural)	2	1	1	4
(4) Rural constituencies	13	...	7	20
(5) Urban constituencies (non-Sikh)	4	...	3	7
TOTAL	19	7	11	40

* Of these two would probably be Hindus.

II.—Local distribution of the above (other than special) elective seats in constituencies—

Local area or extent of constituency.	No. of seats in constituency.
(2) 6 communal Sikh seats—	
(i) Jullundur and Ambala Divisions	2
(ii) Lahore Division	2
(iii) Rawalpindi Division	1
(iv) Multan Division	1
TOTAL	6

Local area or extent of constituency.	No. of seats in constituency.			
	Muhammadans.	Sikhs.	"Others."	Total
(3) 4 large landholder seats—				
For these there will be one provincial constituency . . .	2	1	1	4
(4) 20 rural seats, 13 Muhammadans and 7 "Others"—				
(a) Ambala Division—				
(i) Whole Ambala Division		1	...	...
(ii) Hissar and Karnal Districts . . .		...	1	...
(iii) Rohtak and Gurgaon		...	1	...
(iv) Ambala and Simla		...	1	...
Total Ambala Division .		1	3	4
(b) Jullundur Division—				
(i) Kangra, Hoshiarpur and Jullundur Districts		1	...	...
(ii) Ludhiana and Ferozepore Districts . .		1	...	...
(iii) Kangra and Hoshiarpur Districts . .		...	1	...
(iv) Jullundur, Ludhiana and Ferozepore Districts		...	1	...
Total Jullundur Division .		2	2	4
(c) Lahore Division—				
(i) Whole Lahore Division		...	1	...
(ii) Lahore and Amritsar Districts . .		1	...	...
(iii) Gurdaspur and Sialkot Districts . .		1	...	...
(iv) Gujranwala District		1	...	...
Total Lahore Division .		3	1	4
(d) Rawalpindi Division—*				
(i) Gujrat District		1	...	...
(ii) Shahpur District		1	...	...
(iii) Jhelum and Rawalpindi Districts . .		1	...	...
(iv) Mianwali and Attock Districts . .		1	...	...
Total Rawalpindi Division .		4	...	4
(e) Multan Division—				
(i) Whole Multan Division		...	1	...
(ii) Jhang and Lyallpur Districts . . .		1	...	...
(iii) Montgomery and Multan Districts . .		1	...	...
(iv) Dera Ghazi Khan and Muzaffargarh Districts		1	...	...
Total Multan Division .		3	1	4
Grand Total of (4) Rural seats .		13	7	20
(5) 7 urban seats (non-Sikh), 4 Muhammadans and 3 "Others"—				
(i) Lahore Division		2	1	3
(ii) Ambala and Jullundur Divisions . .		1	1	2
(iii) Rawalpindi and Multan Divisions . .		1	1	2
Total of (5) .		4	3	7

* Note.—Rural "other" religions in the Rawalpindi Division represent only 8 per cent. of the rural population and will vote in the Rawalpindi Division urban constituency, i.e., in (5) (iii).

III.—Proposed detail of 20 nominated members: 13 official and 7 non-official—

Officials—

Executive Councillors	2
Financial Commissioners	2
Secretaries to Government	3
Director of Public Instruction	1
Chief Engineer	1
Inspector-General of Civil Hospitals	1
Directors of Agriculture and Industries	2
Legal Remembrancer	1
TOTAL	13

Non-officials—

To represent Military interests	1
To represent the European domiciled community	1
To represent the Indian Christians	1
To represent the Tenantry	1
To represent the Depressed classes	1
Seats to be used to secure experts or to redress electoral inequalities	2
TOTAL	7

VI.—BIHAR AND ORISSA.

PAGE.

(1) Extract, paragraphs 15 to 23, 35 and 36, from a letter No. 4110-P., dated the 10th November 1918, from the Chief Secretary to the Government of Bihar and Orissa, to the Government of India (Home Department), with extracts from Appendix III, and Appendix V 229

(2) Note of a discussion with the Lieutenant-Governor of Bihar and Orissa in Council, held at Patna on the 23rd November 1918 237

(3) Letter No. 777-P.P., dated the 16th December 1918, from the Chief Secretary to the Government of Bihar and Orissa. to the Secretary to the Franchise Committee, containing proposals for an alternative system of indirect election to the Indian Legislative Assembly 241

(4) Letter No. 146-P.T., dated the 29th December 1918, from the Secretary to the Government of Bihar and Orissa, to the Secretary to the Franchise Committee, regarding the allocation of certain seats on the Council . 243

(5) Letter No. 30-C., dated the 6th January 1919, from the Chief Secretary to the Government of Bihar and Orissa, to the Secretary to the Franchise Committee, regarding the representation of mining interests on the Provincial Legislative Council 243

(1) Extract, paragraphs 15-23, 35 and 36, from letter No. 4110-P., dated the 10th November 1918, from the Chief Secretary to the Government of Bihar and Orissa, to the Government of India (Home Department), with extracts from Appendix III, and Appendix V.

* * * * * * *

15. I am now to explain the scheme, which has been framed by the Local Government, for the composition of the Provincial Legislative Council and for the electorates in accordance with the suggestions contained in paragraphs 225 to 232 of the Joint Report. A copy of the scheme and of the tabular statistics on which the franchise and electorate proposals are based is annexed to this letter as Appendix III. Advance copies have been forwarded to the Franchise Committee for their examination.

16. The Lieutenant-Governor in Council agrees that the principle of direct elections should be extended to all constituencies. This system is already in force in Bihar and Orissa as regards the landholder and Muhammadan electorates, as well as the special constituencies of planting and mining interests. The indirect system obtains in the District Board and Municipal electorates; and when consulted last year, His Honour in Council emphasized the artificiality of both and recommended that, for the former should be substituted a direct electorate in which the franchise would be given at first to members of panchayats and then gradually extended to a wider circle of responsible persons, united by the bond of a common local interest: for the latter he proposed the substitution of a system of direct election by Municipal rate-payers, the vote being given to all persons paying rates in excess of a prescribed sum or possessed of other suitable qualifications, educational, professional, etc. Further enquiries have now been made on the subject of the franchise, of which the results are discussed in paragraph 19 below.

17. The next important question is whether the new electorates should ordinarily be of the territorial type, and to what extent the principle of communal election should be admitted. The Local Government agree that the constituencies of the future should ordinarily have a territorial basis, being divided into two main categories, rural and urban. They consider, however, that the principle of communal election should be admitted more generously than is proposed in the Joint Report. The principle is rightly conceded in the case of Muhammadans. The representatives of this community in Bihar and Orissa protest that the concession has been made somewhat grudgingly and contend that it should be extended to provinces where the Muhammadan population is in the majority. The large landholders of Bihar and Orissa have pressed for the retention of their existing communal electorate, and His Honour in Council considers that their claim should be admitted; they undoubtedly form a distinct class in the Province, such as is contemplated in paragraph 232 of the Report, and it would jeopardize the popularity of the scheme with an important body of opinion if this privilege were withdrawn His Honour in Council is of opinion that it would be highly undesirable to lower the existing franchise in the case of the special landlord constituencies, as the sole object of the concession is to secure the representation of the large landholders by members of their own class. The smaller landholders may well be merged in the ordinary territorial electorates, in which their influence will secure their adequate representation. The large landholders at present hold nearly one-fourth of the total elected seats in Council, but it is proposed, as explained below, to reduce this percentage very considerably. The special electorates of the planting and mining communities should certainly be retained as indicated in paragraph 232 of the Report and a University electorate should be added as contemplated in the same passage. The European members of the present Council who represent the planting and mining communities have pressed for the representation of Europeans and Anglo-Indians by election rather than by nomination, but apart from the two classes which they represent and from European officials, the number of Europeans and Anglo-Indians in the Province is small and scattered, and His Honour in Council does not consider that it is necessary or feasible at present to make provision for these two classes except by nomination.

18. The enquiries which have been made by the Local Government with a view to the collection of materials for consideration by the Franchise Committee are explained in detail in Appendix III. The Local Government concur fully in the recommendation made in the Joint Report that the ordinary franchise of the territorial and Muhammadan electorates should be on the broadest possible basis which it is possible to introduce without a breakdown of the electoral machinery involved, indeed they regard this as a fundamental condition of the proposed reforms. The rural franchise, moreover, must be sufficiently low to admit of the adequate representation of the cultivating classes who form the most important section of the population. However much the raiyat voters of the future may at the outset be devoid of political instinct and incapable of appreciating their strength aright, or exercising their power wisely, however much they may be subject in the beginning to undue influence and intrigue, it is absolutely essential that their training in the duties of citizenship should begin at once, if they are to attain to the place in the body politic to which their numbers and economic importance entitle them. There are already signs of an awakening. The co-operative movement has begun to teach them the virtues of thrift and the advantages of union. Great efforts are being made, and will continue to be made in the near future, to develop and expand primary education, and it may be hoped that the existing ignorance and political indifference of the cultivating classes will not take long to disappear. Raiyati associations are beginning to spring up in different portions of the province, and, although there may possibly be a certain amount of wire-pulling behind these, the fact of their formation is significant.

In endeavouring to form an estimate of the number of voters who might be included in the rural constituencies, the Local Government confined their enquiries mainly to the three large classes of (*a*) raiyats, (*b*) zamindars, and (*c*) tenure-holders, who occupy an intermediate position between the two former classes. They took as the general basis of qualification for a vote the payment of cess, which in the case of the raiyat is calculated at the uniform rate of half-an-anna per rupee of rent. As rental incidence varies enormously from district to district, being dependent not only on comparative fertility of soil and the play of competition, but also on innumerable local factors, it was found that a wide range of rental standard would be necessary in order to bring within the limits of the electoral roll a fairly even proportion of well-to-do raiyats, which would be sufficiently large in each district to avoid being swamped by the other two elements in the electorate. Paragraph 226 of the Report contemplates such a differentiation both between provinces and between districts of the same province; and the Lieutenant-Governor in Council considers that it is inevitable at the outset and must be faced, although it may possibly give rise to complaints in the more prosperous districts. A summary enquiry has been made to ascertain whether the local variations would be reduced, if the raiyats' franchise were fixed on the basis of area rather than rent. The figures are incomplete. So far as they go, they indicate that greater uniformity would thus be secured, but His Honour in Council considers that on the whole it is preferable to adhere to the cess basis, as this represents a contribution to local taxation and it is desirable to emphasize that the right to vote is based on a payment to the State. The scheme which has been prepared for the Franchise Committee contemplated the fixing of the franchise at such amounts of cess payment for raiyats, zamindars and tenure-holders, respectively, as will produce rural electorates averaging about two per cent. of the population, or approximately one-tenth of the rural householders of the province. The actual figures, however, on account of the necessity of securing some degree of uniformity, work out to a percentage of 1·7 only. The total number of persons who participate in the present Council elections is roughly 2,000. At a general average of 1·7 per cent. of the population the total number of voters in the province is in the vicinity of 600,000, and the average district electorate about 30,000, of which roughly three-quarters would be raiyats and one-quarter landlords including tenure-holders. This seems as far as it is possible or expedient to go at present in the direction of numbers, as any further increase would place a dangerous strain on the new electoral machinery which is discussed in the next paragraph. The result proposed above is obtained by fixing a rent payment of Rs. 48 (on which cess of Re. 1-8-0 is payable through the landlord) as the general standard for the raiyats' franchise, this limit being reduced to

Rs. 16 in the Orissa and Chota Nagpur Divisions and increased to Rs. 64 in certain of the Bihar districts. For zamindars a cess payment of Rs. 12 is proposed, the fact being recognized that of this amount more than half is recovered from raiyats while in many cases a share of varying amounts is borne by intermediate tenure-holders. For tenure-holders a cess valuation of Rs. 100 is proposed, the cess actually paid being borne in varying proportions by the raiyat, the tenure-holder and the superior landlord. It will be seen that provision has also been made in the rural franchise for the inclusion of (*a*) non-agriculturists who pay income-tax or make an annual contribution of not less than Re. 1-6-0 to Local funds in the shape of union rates, and (*b*) of persons who have certain educational qualifications. These two classes will be insignificant in point of number, but it is necessary that provision should be made for them.

The case of the urban franchise is simple, as Municipal electorates already exist, and it is proposed that all persons eligible to vote in municipal elections should also be eligible to vote in the urban constituencies of the Legislative Council. The ordinary franchise in municipal electorates was formerly based on a rate payment of Re. 1-8-0 but was recently raised to Rs. 3. As the underlying principle of the Reform Scheme is a franchise on the broadest possible basis, it is proposed to revert to the former standard of Re. 1-8-0. This has the additional advantage of tallying with the general basis of the rural franchise.

The existing Muhammadan franchise yields only an average of about 300 voters for each constituency. The Local Government see no reason why it should not in future be placed on the same basis as those proposed for the general rural and urban constituencies.

The franchise of the special landlord electorates has already been discussed.

In the case of the planting and mining electorates, His Honour in Council would adhere generally to the existing arrangements. The member who represents planting interests is returned by the Bihar Planters' Association which is a fully representative body, and no change is required. The present mining member is returned by the Indian Mining Association, and the Lieutenant-Governor in Council considers that that body should continue to return a member. But as it is composed mainly of representatives of the Calcutta agents, His Honour in Council thinks that a second member should be provided to represent the interests of local colliery owners who are not members of the Indian Mining Association and of those who are employed in the coal-fields as managers, assistant managers, etc. It has not yet been possible to work out the details for this constituency.

For the new University constituency the franchise should correspond to that in force for Senate elections under the Patna University Act, 1917, and Regulations.

19. Reference has been made in the last paragraph to the limitations which must at the outset be placed on the franchise on account of the practical difficulties which will be experienced in the installation of electoral machinery on a scale never before attempted. The nearest approach to this is in the system of Local Board elections, which has been introduced so far only in the Patna Division. Although the Local Board unit is comparatively small, the experience of past elections has not been very promising, as will appear from the notes included as Appendix IV.* The conduct of a general election on the lines now proposed will entail a vast amount of preparation and local organization which will throw a very heavy burden upon the District Officers and their subordinate staffs. The provisional views of the Local Government on this subject are contained in Appendix V.* Here it need only be observed that all unnecessary complications should be avoided and that the election organization should be so arranged as to work in, as far as possible, with the administration of the Local Self-Government Department. As regards the latter point, it is a feature of the present franchise proposals that the Council electoral rolls will be useful for purposes other than Council elections, *e.g.*, for Local Board and municipal elections.

The Local Government have considered the questions of (1) plural constituencies with reservation of seats for particular classes of candidates, and (2) proportional representation. They are emphatically of the opinion that such devices are likely to cause undue complication of the electoral machinery, and will not, in the present undeveloped condition of the proposed electors, lead to any useful results in the direction of securing fair representation for minorities. They have

* Not printed in this Appendix.

therefore framed their proposals on the principle that each constituency will be a single member constituency; and they will, if the proposals are finally accepted proceed to divide up the districts for which more than one member is proposed into suitable areas for electoral purposes. As the average single constituency will include a larger number of voters than can be polled by the district staff in one day, the elections must ordinarily be spread over two days; and in the case of the larger districts, which will be represented by two or more rural members, the elections must extend over the greater part of a week. This arrangement will leave certain loopholes for intrigue and personation, but these are necessary evils and every effort will be made to reduce them within the narrowest limits.

20. The important question of the constitution of the Provincial Legislative Council remains to be considered. The present Council includes:—

3 *ex-officio* members.
19 nominated members of whom not more than 15 may be officials.
21 members elected as follows:—

(1) by Municipal Commissioners	5
(2) by District Boards	5
(3) by landholders	5
(4) by Muhammadans	4
(5) by mining interest	1
(6) by planting interest	1

TOTAL, 43, to which may be added one expert member, official or non-official.

While the Local Government accept the principle that the new Council should contain a substantial majority of elected members, they do not consider it desirable in the present circumstances of the province that the Council should be so large, or that the proportion of elected members should be so high, as is demanded in certain quarters. Non-official opinion, which clings to the Congress-League Scheme, asks for a Council of 125 with an elected majority of four-fifths. In the opinion of the Lieutenant-Governor in Council, neither of these demands is suitable under the existing conditions of Bihar and Orissa. There is much less diversity of interests in a province that is mainly agricultural than in the Presidencies, and His Honour in Council believes that there will be ample room for the representation of all important interests, while the standard of ability and character will not be unduly lowered, if the new Council be limited to 96 of which two-thirds should be elected members. This is the figure which he has decided to recommend, after further consideration of the tentative scheme laid before the Conference of non-official members, which contemplated a Council of 90, two-thirds elected and one-third *ex-officio* and nominated.

21. The scheme which the Local Government recommend is as follows:—

Elected.	
Rural non-Muhammadans	32
Urban non-Muhammadans	6
Rural Muhammadans	12
Urban Muhammadans	3
Large landholders	7
The Planting Community	1
The Mining Interests	2
The Patna University	1
TOTAL	64
Ex-officio and nominated officials.	
The Executive Councillors	2
The Commissioners of Divisions	5
The Secretaries to Government	5
The Legal Remembrancer	1
Heads of Departments and Experts	6
The Vice-Chancellor of the Patna University	1
TOTAL	20
Nominated non-officials	12
GRAND TOTAL	96

In framing the scheme the Lieutenant-Governor in Council has taken the following points into consideration :—

(1) The allotment of seats to Muhammadans follows the basis adopted by the Lucknow Convention of the Congress and the Muslim League which gives the Muhammadans of Bihar and Orissa 25 per cent. of the elected Indian seats. It will be seen that 15 seats have been provided for them out of 60, the four special electorates (Planting, Mining, and University) being excluded.

(2) The proportion of rural to urban constituencies is 44 to 9. This gives the residents of cities and towns a larger share in the Council than their population justifies, but His Honour in Council has taken into account both the relative position which municipal bodies enjoy in the present Council and also the much higher standard of education and general level of intelligence which prevails in urban areas.

(3) It is proposed to give seven seats to the large landholders. This will leave them with a much smaller proportion of representation than they enjoy in the existing Council, but the class is numerically small, and it will have little difficulty in securing further representation in the general rural electorates, until such time as the cultivators begin to recognize their political powers. The Local Government propose to distribute the seats for the large landholders, by giving one each to the Patna, Orissa and Chota Nagpur Divisions, which have populations of between five and six millions, and two to the Tirhut and Bhagalpur Divisions with populations of ten and eight millions, respectively.

(4) Of the nominated members, it is proposed that 20 should be officials and 12 non-officials. With a smaller number than 20 the selection of official members for the Grand Committee would be unduly limited.

The communities and interests for which it will be necessary to provide representation by nomination are fairly numerous in Bihar and Orissa and include the following :—(1) industrial interests other than planting and mining, represented at present mainly by the colony at Sakchi but likely to develop greatly in the near future, (2) aborigines who form a large section of the population in Chota Nagpur, (3) the depressed classes who will remain outside the scope of the franchise, (4) domiciled Bengalis who may or may not succeed in carrying a fair proportion of the general seats, (5) Anglo-Indians and Indian Christians. A general reserve out of the total of 12 would be retained for adjustment of election results and for the appointment, when necessary, of non-official experts.

22. The distribution of seats assigned to the urban and rural constituencies, both general and Muhammadan, is set forth at page 1 of Appendix III. It is founded primarily on a population basis, but this has been confused to some extent by the disproportionate allotment of seats to Muhammadans and by the preference shown to urban areas, both of which causes have operated to give the Bihar divisions an advantage over the others. The divisional figures are as follows :—

Patna.

Population 5,634,789.

		(Including)	
Number of members—			
Urban	3	(Muhammadan	1)
Rural	10	(Do.	3)
TOTAL .	13	(Do.	4)

Tirhut

Population 9,973,359.

Number of members—			
Urban	2	(Do	1)
Rural	14	(Do.	4)
TOTAL .	16	(Do.	5)

Bhagalpur.

Population 8,144,821 (a).

Number of members—			
Urban	2	(Including) (Muhammadan	1)
Rural	8	(Do.	3)
TOTAL	10	(Do.	4)

Orissa.

Population 5,131,753 (b).

Number of members—			
Urban	1		
Rural	6	(Do.	1)
TOTAL	7	(Do.	1)

Chota Naqpur.

Population 5,605,362.

Number of members—			
Urban	1		
Rural	6	(Do.	1)
TOTAL	7	(Do.	1)

23. The question of the qualifications of candidates for election to the Legislative Council is not dealt with in the Report, but it is presumed that the Government of India would wish to have the views of the Local Government upon it. The existing rules on the subject are contained in Regulations IV and V framed under section 6 of the Indian Council Act, 1909, published in Notification No. 66, dated the 21st November 1912 of the Legislative Department. The conditions of eligibility prescribed in Regulation IV will presumably be retained, but in view of the general change of system now proposed His Honour in Council is doubtful whether it is necessary to prescribe any additional rule for individual constituencies except the general condition that no person shall be eligible for election unless he possesses the qualification for a vote within the constituency concerned.

* * * * * *

35. The Lieutenant-Governor in Council accepts the proposed composition of the Imperial Legislative Assembly (paragraph 273), the abandonment of the title "Honourable" (paragraph 273), and, subject to the proposal below, the allotment, as between the provinces, of the seats to be filled by election (paragraph 274). If seven seats only be allotted to Bihar and Orissa, he would retain the existing seats for representation of the large landholders and the Muhammadans and he would give one general seat to each of the five divisions of the province. The drawback to this arrangement is that it gives the Muhammadans only one seat in seven or considerably less than the proportion agreed to at the Lucknow Convention. For this reason His Honour in Council would be glad if an eighth seat could be allotted to Bihar and Orissa in which case it would be reserved for a second Muhammadan. His provisional views on the franchise of the general and Muhammadan electorates are stated in Appendix III. He would retain the existing franchise in the case of the large landholders.

The Local Government accept the proposals, contained in paragraph 275, which relate to the nomination of non-official members, the employment of Secretaries to relieve Members of the Executive Council from constant attendance in the Assembly, the appointment of members of the Assembly to positions analogous to those of Parliamentary Under Secretaries, the partial exemption of official members from restrictions in speaking and voting, and the nomination of the President of the Assembly.

36. As already stated, the Local Government regard the scheme for a Council of State as an essential safeguard, at least during the period of transition. They also welcome it as a means of securing a permanent element, which will make for stability in the future development of the Constitution. They agree that the personal qualifications of members should be of a character appropriate to the

(a) Includes Santal Parganas (1,852,973) which is excluded from the scheme.
(b) Includes Angul (109,451) which is excluded from the scheme.

dignity of the body, that they should enjoy the title of "Honourable," and that the life-time of the Council should be five years. They approve of the composition of the Council proposed in paragraph 277, and the procedure explained in paragraphs 279 to 281.

APPENDIX III.

The proposed distribution of seats assigned to the urban and rural constituencies, both Muhammadan and general, is set forth in the following statement.

The population figures relate only to males of 20 years of age or more and are expressed in thousands. In view of the proposal of the Local Government to exclude from the jurisdiction of the reformed Council, the districts of Santal Parganas and Angul, the figures for those tracts have been excluded from those for the rural population. It is, however, proposed to give the franchise to the urban population of these tracts, and hence figures are shown against Santhal Parganas. There is no urban area in Angul.

District	Urban Non-Muhammadans.		Urban Muhammadans		Rural Non-Muhammadans.		Rural Muhammadans		Remarks.
	Population.	Members	Population	Members	Population.	Members.	Population.	Members.	
1	2	3	4	5	6	7	8	9	10
Patna City	26	1	9	1	..	.	..	.	
Patna	18	1	6		370	2	20	1	
Gaya	13		4		497	2	44	1	
Shahabad	18		7		411	2	22	1	
Patna Division	*49	2	26	1	12,78	6	92	3	* Excluding Patna City.
Muzaffarpur	17	1	5	1	5,99	3	73	1	
Saran	12		4		4,50	2	52	1	
Champaran	8		3		4,17	2	68	1	
Darbhanga	19		6		6,19	3	78	1	
Tirhut Division	56	1	18	1	20,85	10	271	4	
Bhagalpur	15	1	6	1	4,67	2	47	1	
Monghyr	14		4		4,73	2	42	1	
Purnea	7		3		3,07	1	2,01	1	
Santal Parganas	8		2			..	..	.	
Bhagalpur Division	44	1	15	1	12,47	5	2,90	3	
Cuttack	10	1	†	..	4,70	2	13	1	† Urban Muhammadans of Orissa and Chota Nagpur Divisions included with rural.
Balasore	5			..	2,44	1	7		
Puri	12			.	2,55	1	5		
Ganjam	3			..	1,84	1	..		
Orissa Division	30	1	..	.	11,53	5	25	1	
Ranchi	8	1	.		2,80	1	12	1	
Hazaribagh	8		..	.	2,56	1	29		
Palamau	2		†	..	1,47	1	14		
Manbhum	7		..	..	3,61	2	28		
Singhbhum	2		..	..	1,53	1	7		
Chota Nagpur Division	27	1	..	..	11,97	6	70	1	
Provincial Total	..	6	..	3	..	32	..	12	

PROPOSED QUALIFICATIONS FOR FRANCHISE.

The following tentative scheme is put forward for the consideration of the Franchise Committee :—

Qualifications for the exercise of the franchise in rural constituencies, whether general or Muhammadan

Every male person of the full age of 21 years, resident within the territorial limits of the constituency, who is qualified in one of the manners following, that is to say :—

(1) Has, during the year immediately preceding the election, held as a raiyat land on which a local cess of Re. 1-8-0 is payable (annas eight in the Orissa and Chota Nagpur Divisions and Rs. 2 in the Patna Division and the district of Monghyr).

(2) Has, during the year immediately preceding the election, held a tenure, whether rent-paying or rent-free, assessed for the purpose of local cess at not less than Rs. 100 per annum.

(3) Has, during the year immediately preceding the election, held an estate or estates or portion of an estate or portions of estates, for which a separate account or accounts have been opened, whether revenue paying or revenue-free, or rent-free land, for which an aggregate amount of not less than Rs. 12 is payable direct to the treasury as local cess.

(4) Has, during the year immediately preceding the election, paid an assessment of not less than Re. 1-8-0 to a Union Committee established under Chapter III of the Local Self-Government Act [Act III (B. C.) of 1885].

(5) Has passed the Matriculation Examination of a recognized Indian University or obtained the school-leaving certificate from a recognized high school or has passed the Vernacular Mastership Examination.

(6) Has, during the year immediately preceding the election, paid income-tax.

In cases where property is held or payments made jointly by the members of a family, the family shall be adopted as the unit for deciding whether the qualification exists, and, if it does, the vote shall be exercised by such member of the family as the officer, entrusted with the preparation of the electoral roll, may decide.

Qualifications for the exercise of the franchise in urban constituencies, whether general or Muhammadan.

Every male person of the full age of 21 years, resident within one of the municipalities, which together make up a constituency, and who is qualified in one of the manners following, that is to say :—

(1) Has, during the year immediately preceding the election, paid in respect of any rates an aggregate amount of not less than Re. 1-8-0.

(2) Has, during the year aforesaid, paid income-tax.

(3) Has passed the Matriculation Examination of a recognized Indian University or who has obtained the school-leaving certificate from a recognized high school or has passed the Vernacular Mastership Examination.

Muhammadans, who are thus qualified in municipalities of Orissa and Chota Nagpur Divisions, will be qualified to vote for the election of the Muhammadan rural members of the district in which they reside.

Persons other than Muhammadans thus qualified in the district of the Santal Parganas will be qualified to vote for the urban constituency of the Bhagalpur Division. Muhammadans in the Santal Parganas municipalities will be qualified to vote for the urban Muhammadan constituency of the Bhagalpur Division.

Qualifications for the exercise of the franchise in the constituency for the large landowners.

Landholders of the full age of 21 years, having a place of residence within the Division or part of the Division which forms the constituency and who—

(a) Pay either land revenue or local cess as follows, namely :—

(i) In the case of the Patna, Tirhut and Bhagalpur Divisions, pay land revenue amounting to not less than four thousand rupees or local cess amounting to not less than one thousand rupees per annum.

(ii) In the case of the Orissa and Chota Nagpur Divisions pay land revenue amounting to not less than six thousand rupees or local cess amounting to not less than five hundred rupees per annum.

(b) Hold titles conferred or recognised by the Government not lower in rank than that of Raja or Nawab.

Qualifications for the exercise of franchise in the constituency of the Patna University.

Persons (i) Who are authorities or officers of the University ; or

(ii) Whose names appear on the current Register of Graduates maintained under section 14 (1) (i) (*d*) of the Patna University Act ; or

(iii) Whose names appear on the current Register of College Teachers, maintained under Chapter XIII, section 1, of the Patna University Regulations ; or

(iv) Whose names appear on the current Register of School Teachers maintained under Chapter XIII, section 1, of the Patna University Regulations.

The elections for the Patna University should be carried out on the lines of the elections for the British Universities, voting by proxy being permitted.

Qualifications for the exercise of the franchise in the constituency of the Planting Community.

The members of the Bihar Planters' Association, Limited, qualified to vote and for the time being resident in India.

Qualifications for the exercise of the franchise in the constituency of the Mining Community.

1. Constituency for the Mining Firms and Companies—
   The members of the Indian Mining Association voting at a special general meeting.
2. Constituency for persons employed in the mining areas—
   Every person of the full age of 21 years, not being a Member of the Indian Mining Association—
   (i) who is the owner of a mine situated in the Province of Bihar and Orissa, which is subject to the operation of the whole or any part of the Indian Mines Act, 1901, or
   (ii) whom the authority, appointed in this behalf by Government, shall certify to be employed and to have been employed, during the year preceding the election, in such a mine on a salary of not less than Rs 100 per mensem, and to hold a certificate of competency granted under the provisions of section 20 (2) (*e*) of the Indian Mines Act, 1901.

General.

No person shall exercise more than one vote at a general election for the Legislative Council, except that persons who are qualified to vote in any of the special electorates other than Muhammadan may vote in the election for that constituency in addition to voting for one other constituency for which they are also qualified.

Qualifications for the exercise of the franchise for the constituencies of the Legislative Assembly.

Raiyats	Cess payment of Rs 6 in the Bihar Divisions and Rs. 3 in Chota Nagpur and Orissa.
Proprietors and rent-free holders paying direct to the treasury	Cess payment of Rs. 50 per annum.
Tenure-holders	Cess valuation of Rs. 400 per annum.
Income-tax-payers	Assessment on an income of Rs. 2,000 or over
Municipal rate-payers	Payment of Rs. 10 per annum.

It is impossible to form an accurate estimate of the number of voters that would be obtained by these standards, and further enquiries will be made in the districts. But at a rough guess, it is expected that no constituency would have more than 10,000 voters.

---

(2) Note of a discussion with the Lieutenant-Governor of Bihar and Orissa in Council, held at Patna on the 23rd November 1918.

The Franchise Committee met the Lieutenant-Governor of Bihar and Orissa (the Hon'ble Sir E. A. Gait, K.C.S.I., C.I.E., I.C.S.) and the Members of his Executive Council (the Hon'ble Mr. W. Maude, C.S.I., I.C.S., the Hon'ble Mr. H. LeMesurier, C.S.I., C.I.E., I.C.S., and the Hon'ble Sir Ali Imam, K.C.S.I.).

Lord Southborough said that as the result of the evidence which had been taken during the week a certain number of questions had arisen in regard to which the Committee would like to have the advice of the Lieutenant-Governor in Council. They were desirous of obtaining from the Local Government information and support.

His Honour said that most of the non-official witnesses had been nominated by the leading Associations of the Province, others were members of the Provincial Council and one or two were gentlemen with special knowledge, such as the Rev. Mr. Dann, who had for years worked amongst the poorer classes. There had been no attempt on the part of the Local Government to put forward witnesses who would support their views.

The following questions were then discussed :—

1. A proposal to raise the franchise in order to reduce the size of the electorate.

Mr. Hailey said that the Bihar and Orissa scheme gave one member to approximately 14,000 electors in rural areas and one member to approximately 11,000 electors in urban areas. Only one-eighth of the voters were literate and he thought it might be dangerous suddenly to open so wide a register. In England up to 1910 the average of the constituencies was 9,906. There every voter was accessible to the candidate and the standard of education was higher. He thought that the electorates proposed by the Local Government would impose a strain on the electoral machinery and he suggested that it might be possible to start with a smaller electorate and extend it after the periodic commissions had reported.

His Honour said that the Local Government were satisfied that the necessary electoral machinery was available. If power was to be transferred to the people all classes should be represented. If the franchise was pitched higher only the landlords and tenure-holders would be included. He thought that in the constituencies proposed by the Local Government the great majority of the voters would be literate. They would all be men in comfortable circumstances and probably every one of them would send his sons to school. The proposed electorates only represented 1·7 of the total population.

Mr. Banerjea pointed out that the percentage proposed in the United Provinces was 3·5.

His Honour pointed out that there was a widely spread revenue agency in the United Provinces which did not exist in Bihar and Orissa and that uniformity between the provinces could not be expected.

Under the scheme Local Boards would have to be introduced everywhere and the electorates to these Boards would be the same as for the Provincial Council The rural franchise proposed was practically the same as that obtaining for the Local Boards in Patna Division.

2. A proposal to lower the franchise of the landholders' special electorate, so as to increase the number of electors and widen the representation of landlords.

Sir Frank Sly said that the Local Government's scheme provided a special landholders' electorate of 321 voters returning 7 members. A large number of the witnesses examined, and even the representative of the Bihar Landholders' Association, thought it desirable to lower the franchise. It had been suggested that, if the franchise was lowered, the tenants would have a better chance of electing their own representatives in the general rural constituencies. With this object it had even been suggested that all landlords should be included in the class electorate.

His Honour did not agree with this suggestion. The proposal of the Local Government was not to have a special electorate for all landlords but only for the territorial magnates. Even if the landlords as a body were given a separate electorate they would still take an interest in the general electorates and run their own men. The landlords would obtain all the seats in their special electorate without losing any of the seats which they would otherwise secure in the general constituencies. The Local Government proposed special representation of the big landlords in order to get diversity in the Council. The big landlords would not risk their *izzat* by contesting seats in the general constituencies. The 321 members of the existing constituencies, *i.e.*, for big landholders, paid 1-3rd of the whole cess paid in the Province and therefore it was only reasonable to give them a small number of special seats.

Sir Frank Sly said that the principle recommended in the report was that special representation should only be given to distinct classes.

His Honour said that no hard and fast line could be drawn but no one with any knowledge of the Province could deny that there was a special class of landed magnates. There were at least fifty large and historical families many of which had collateral branches with large estates. In Orissa some of these old landlord families were connected with the Garjat chiefs and had only missed the status of feudatory chief by accidental inequalities of treatment in the early days of British rule.

Sir Ali Imam said that there were at least 50 impartible estates in the Province.

His Honour said it was the intention of the Local Government that the special landlord electors should be excluded from the ordinary electorates. In this connection he desired to modify the entry which appeared under the head "General" in Appendix III,* and to substitute for the words "any of the special electorates other than Muhammadan" the words "the special university electorate." He had heard some doubts expressed as to whether the witnesses who appeared on behalf of the Bihar Landholders' Association had really represented their views. He was quite certain that the landholders would not consent to any lowering of the landholders' franchise unless they kept their existing 25 per cent. of representation.

3. A proposal to separate altogether the landlords from the rural electorates.

This was covered by the discussions in connection with the preceding question.

4. A proposal to include as a separate qualification for voters the matriculation or some other educational qualification.

As regards the educational qualification Sir Frank Sly said that the evidence received had shown a desire to go below the matriculation standard; there was a danger of widening the qualification if it was once introduced.

His Honour said that this qualification was already recognised for municipal elections. He saw that there was objection to giving a vote where there was no payment to the State, but he thought that, if the principle of giving it to persons who made no such payment was introduced at all, it might well be allowed in this case.

Sir Frank Sly said that this qualification had been recommended so as to admit members of Hindu joint families who might not satisfy the property qualification.

Sir Ali Imam said that there was now a tendency for such families to break up. Personally he would accept the educational qualification in order not to deprive the raiyats of the assistance of this class.

His Honour said that the question was one of principle; the actual number of persons involved was small. He would admit students, if qualified by age.

5. The question of special representation for (1) the European, (2) the Anglo-Indian and (3) the Bengali domiciled communities, by (a) *direct election,* (b) *through recognised associations or* (c) *nomination.*

Mr. Hogg said that he pressed for election in the case of the European community who were well qualified to exercise the vote.

His Honour said that the Local Government were prepared to accept this. The Local Government had not actually considered what qualifications should be required. The Anglo-Indian community was small and indigent, and could be represented by nomination if required. The Anglo-Indians were less numerous than the Europeans and the combination of the two classes in one electorate would mean that the Anglo-Indian would never be represented at all.

He could not undertake to guarantee that five seats should always be held by Bengalis, the number being made up by nomination, but the Government would see that Bengalis were properly provided for in the future as they had been in the past.

6. Separate constituencies for a few large towns in addition to Patna. If this be approved the question whether the remaining small municipal towns should be grouped or merged into rural constituencies.

Lord Southborough said that the proposed urban constituencies raised the precedent of the old Scotch boroughs. The decision depended on how far the characters of the towns and the rural areas coincided and whether there were distinct urban areas.

His Honour said that a few of the municipalities in the Province were overgrown villages but in most cases there was much more similarity between town and town than between the towns and the adjacent rural areas.

Lord Southborough said that if the town represented agricultural interests which were also the interests of the surrounding country he would merge them in the general rural electorates.

* *Vide* page 237 *ante.*

His Honour said that the character of the electorates was different. The towns would be represented ordinarily by the educated classes, lawyers, schoolmasters, etc.

Mr. Banerjea stated that it had been suggested that towns with a population of over 50,000 should have separate seats.

His Honour replied that he did not see how this proposal could be accepted without increasing the number of urban seats. The Local Government had already increased the urban representation far above the strictly numerical proportion and they could not overweight the urban vote indefinitely.

Sir Frank Sly pointed out that the non-official witnesses had been strongly against merging the smaller towns in the rural areas for fear that the educated classes might be swamped.

7. Special electorates for (a) *traders,* (b) *educated classes, jointly or separately.*

Sir Frank Sly said that the proposal to give special electorates for traders and the educated classes had been pressed, not on the ground that it was desirable that the special interests of these classes should be represented but in order to give a better chance to the educated classes of making themselves felt.

His Honour said that the Local Government saw no reason for a separate constituency. The educated classes would come in through the urban constituencies.

8. Possibility of reduction in number of nominated members, official and non-official.

Mr. Sastri said that the Local Government proposed 20 official and 12 non-official members. The officials were required to supply knowledge and experience, and he thought their number might be reduced, for instance the Commissioners, whose experience was roughly identical, might be reduced to 3 and the number of heads of departments might also be reduced.

His Honour said that under the existing system not all the official members attended all Council Meetings, and it was not proposed that all should attend regularly in future, but only those likely to be needed for the subjects under consideration. The proposal of the Local Government was the minimum required for the Grand Committee, because it would not be convenient to make all the official members sit on that committee. Twenty was the number required for a bare majority of the Grand Committee of 39 ; four-fifths of 20 would be 16, and this would be the minimum number of officials. The margin of 4 over the minimum of 16 was necessitated because Government needed a certain margin for selection. They did not want to be obliged to put all the official members, *e.g.*, the members of the Executive Council, on to the Committee. He added that he understood the proportion of two-thirds mentioned in paragraph 252 of the Report was open to discussion like all other proposals contained in that Report.

As regards the non-official nominees, there were the 6 classes to be provided for, who were mentioned in paragraph 21 of the Local Government's letter, and inequalities in the results of the elections had also to be made good. Experience had shown that nominated members were quite prepared to vote against Government and in this respect there was usually no difference between elected and nominated members. The number of nominated seats could be reduced at a later stage. It must be borne in mind in this connection that the backward areas were brought to a considerable extent into the scheme and the aboriginal races could only be represented by nomination.

9. Question whether the Orissa Province has its reasonable quota of representation.

As regards the representation of Orissa it was explained that witnesses had represented that the number of seats suggested by the Local Government was unfair both on grounds of population and on other considerations.

His Honour said that the Local Government were prepared to give Orissa one more seat than they had in their scheme. Experience in the past had shewn that the interests of the Oriyas was not neglected and it had hitherto been freely recognised that conditions in Orissa were different from those obtaining elsewhere in the province. He did not favour the suggestion that the extra seat should

be given to Cuttack town, because, if this was done, other towns of equal population would have a grievance. The seat for Orissa might be taken from the number provided for landlords. From the same source he would also provide the seat to be given to the European community (*vide* Question No. 5 above). The landlord seats would thus be reduced from 7 to 5, one for each division. This reduction would meet the objection that the small class of landed magnates was over-represented (*vide* Question No. 2).

10. Question of employment of non-official agency as polling officers.

As regards the employment of non-official agency at elections Lord Southborough explained that this was only relevant in order to enable the Committees to judge how far the Local Government could provide adequate electoral machinery. If non-officials were employed he thought that certain safeguards should be instituted such as that they must be carefully selected and that penalties should be inflicted for misconduct.

His Honour said that the Local Government would certainly invoke non-official aid. He was doubtful whether it was necessary to require that no non-official should be appointed for the district in which he resided. But he did not think that the appointment of non-officials would enable them further to lower the franchise.

11. Proposal for a system of direct election to the Indian Legislative Assembly.

Lord Southborough said that *primâ facie* he doubted if a system of direct election was practicable for the Indian Legislative Assembly. There was a difficulty in embarking at this stage on a fresh series of elections. The large area and high franchise necessary were the reverse of democratic and he thought that a system of indirect election by the members elected by the broad provincial electorates was really more representative.

His Honour said that direct election had been recommended because the authors of the report favoured it and because the nature of the subjects discussed in the Imperial Assembly made it desirable that members should represent the wealthier and more conservative sections of the population ; this would be secured by a high franchise. The Local Government would, however, consider the matter further in the light of Lord Southborough's remarks and submit a note.

12. The qualifications requisite for candidates seeking election to (a) *the Provincial Legislative Council,* (b) *Imperial Legislative Assembly and* (c) *Council of State.*

His Honour said the Local Government had proposed that a candidate should be a person qualified to vote in his constituency, but, as it was represented that it was desirable that the most competent man should be secured wherever he came from and that there was no restriction of the kind in England, the Local Government would not insist on this qualification. As regards age limit he would have 25 years for candidates and 21 for voters.

Referring to the representation of mining interests, His Honour said that of the two mining seats he proposed one should be given to the Association and one to the Federation. In the case of persons who were members of both, they might have the choice of the constituency in which they should vote. As regards persons who were members of neither, he thought that they ought to join one or the other. Both seats would represent mining capital.

---

(3) Letter No. 777-P. P., dated the 16th December 1918, from the Chief Secretary to the Government of Bihar and Orissa, to the Secretary to the Franchise Committee, containing proposals for an alternative system of indirect election to the Indian Legislative Assembly.

I am directed to say that in compliance with the undertaking given to Lord Southborough, the Local Government have considered the extent to which the

system of indirect election may suitably be adopted in the case of the Legislative Assembly and have prepared the following scheme as an alternative to that already submitted in my letter No. 4110-P., dated the 10th November 1918.

2. The Lieutenant-Governor in Council does not desire to make any change in the case of the electorate for large landholders, whose existing franchise is the payment of Land Revenue of not less than Rs. 10,000 or of Cess not less than Rs. 2,500. This produces an electorate of just over 100, and is more truly representative of the large landholders of the province than the landlord electorates secured by the lower franchise which obtains in the case of existing elections to the local Legislative Council.

3. As regards the general electorates, His Honour in Council is in entire agreement with the view expressed in paragraph 273 of the Joint Report that, if direct election on a fairly broad franchise is impracticable, the most suitable form of indirect election and the most acceptable to Indian opinion will be election by the non-official members of the provincial councils. And as it has been proposed to constitute the Muhammadan electorates for the provincial council on the same basis of franchise as the general electorates, the Local Government consider that the same principle should apply in the case of Muhammadan elections to the Legislative Assembly. The decision of this point should not be affected by the fact that Muhammadans at present return a member to the Imperial Legislative Council by a system of direct election based on a franchise which is primarily payment of Rs. 750 of land revenue or Rs. 187-8 of cess. A restricted electorate of this kind represents only a small section of Muhammadan opinion and is open to the same objection as would be a similarly restricted general electorate.

4. In my letter cited above it has been proposed that there should be five seats, one for each division, and either one or two Muhammadan seats, according as the quota of members for Bihar and Orissa is restricted to seven, or enlarged to eight. The Lieutenant-Governor in Council considers that the elections for the Legislative Assembly should be carried out in groups according to this distribution of seats, and not by any system of joint voting, as he feels that only thus will the interests of different portions of the province be adequately represented. The representatives of the landholders in the provincial council should not take part in the voting, as the landholders' interest will be separately represented in the Legislative Assembly, but His Honour in Council sees no reason why the representatives of other special interests should not participate in the elections; and for this purpose he would group the planting member with the Tirhut Division, the two Mining Members with the Chota Nagpur Division and the University member with the Patna Division.

The number of voters in each constituency would then be as follows :—

Patna	10
Tirhut	12
Bhagalpur	6
Orissa	7
Chota Nagpur	8
Muhammadans	15

If an extra seat is granted to Muhammadans, the Muhammadan voters might be grouped thus :—

Patna and Tirhut	9
Bhagalpur, Orissa and Chota Nagpur	6

5. As between the two alternatives of direct election and indirect election, the Local Government consider that in theory the former is much to be preferred, and that it would be most satisfactory if it could be based on the same broad franchise as has been proposed for elections to the local Legislative Council. They recognize, however, that there would be very great difficulties in practice, and that it would place an excessive burden on local officers if two sets of elections on this wide basis had to be conducted every three years. It was for this reason they originally proposed the adoption of a franchise for the Legislative Assembly about four times as high as that proposed for the Local Council. It must be admitted that the result would be to exclude the great bulk of the agricultural population from representation, but this objection seemed to carry less weight in the case of the Legislative Assembly, which will be concerned chiefly with

Imperial and all-India legislation, than it would in the case of the Provincial Councils which will deal with agrarian, municipal and other matters affecting the welfare of the masses. A more serious objection is the practical one that even with a restricted franchise the strain imposed on the local officers would be very severe. Indirect elections would of course be very easy to arrange, while in their favour it may be urged that the masses would have a better chance of representation, as the electors would have been selected by their vote. There is however the grave objection that, on account of the smallness of the electoral colleges, improper influences may easily be brought into play, and candidates may be selected without much regard to their personal fitness. Having regard to all the aspects of the case His Honour in Council is prepared, though not without some hesitation, to accept the indirect system for the first elections on the clear understanding that it is merely a provisional arrangement pending actual experience of the system proposed for elections to the provincial Legislative Council, and that the system of direct elections on the broadest practicable basis will be introduced as soon as experience justifies this course.

---

(4) Letter No. 146-P. T., dated the 29th December 1918, from the Chief Secretary to the Government of Bihar and Orissa, to the Secretary to the Franchise Committee, regarding the allocation of certain seats on the Provincial Legislative Council.

I am directed to refer to paragraphs 21-22 of my letter No. 4110-P., dated the 10th November 1918, to the Government of India in the Home Department in which the constitution of the Legislative Council under the Reforms scheme was discussed.

2. At the informal conference with the Reforms Committee held at Patna the Local Government agreed that the number of seats for large landholders should be reduced from seven to five on the distinct understanding that the present franchise should not be lowered, that the five landlord seats should be allotted one to each Division, that one of the seats thus made available should be reserved for a European electorate for which the franchise should be payment of income-tax, and that the remaining seat should be allotted to the Orissa Division, the peculiar position of which in the body politic of the province appeared on further consideration to have been insufficiently recognized in the original scheme.

3. The Lieutenant-Governor in Council has now considered how the extra seat allotted to Orissa should be utilized. He is of opinion that it should be added to the rural electorates rather than to the urban or Muhammadan. From the figures contained in Appendix III to my letter cited above, it will appear that the two districts which have the strongest claim to the extra seat are Balasore and Puri. The population of Balasore is slightly greater than that of Puri, but Puri on the other hand will have at the outset a larger number of voters than Balasore, if the franchise proposals of the Local Government are accepted. In the circumstances His Honour in Council thinks that the fairest course would be to let the two districts have the extra seat in alternate Councils, the seat going in the first Council to Puri in view of its larger initial electorate.

4. There are precedents for an arrangement of this sort. In the old Bengal Legislative Council one seat was allotted alternately to the Municipal Commissioners of the Chota Nagpur and Orissa Divisions, the former having the first right of election, and one seat alternately to the District Boards of the same two Divisions, those of Orissa having the first right of election. The same principle is followed in connection with certain divisional nominations of candidates for the Provincial Civil Service of Bihar and Orissa.

---

(5) Letter No. 30-C., dated the 6th January 1919, from the Chief Secretary to the Government of Bihar and Orissa, to the Secretary to the Franchise Committee, regarding the representation of mining interests on the Provincial Legislative Council.

I am directed to enclose copies of letters received from the Indian Mining Association and the Indian Mining Federation, with their enclosures, which supply

information required by the Franchise Committee in connection with the proposals of the Local Government for the representation of the Mining interests of the province.

2. It will be seen from these letters that the members of the Indian Mining Association produce about 80 per cent. of the total coal output of the province and that the members of the Indian Mining Federation produce about one-third of the total. The apparent discrepancy is explained by the fact that some of the larger Indian firms belong to both bodies. On a detailed enquiry made by the Subdivisional Officer of Dhanbad in July last it was found that the proportions of total output in the Jharia coalfield were :—

	Per cent.
Indian Mining Association	73
Indian Mining Federation	21
Collieries not represented on either body	6

Many additional members have joined the Indian Mining Federation during the past year and it is probable that the proportion of collieries which belong to neither body is now negligible. It may also be safely inferred from the data available that European concerns represent about two-thirds of the entire mining interests of the province and Indian concerns about one-third.

3. As intimated at the informal conference of the 22nd November, the Lieutenant-Governor in Council desires to modify the proposals which were put forward in my letter No. 4110-P., dated the 10th November 1918, for the representation of Mining interests on the Bihar and Orissa Legislative Council. His first suggestion was that the Indian Mining Association should return one member as at present and that a second member should be returned by an electorate consisting of mining employees of a certain status and of mining firms who are not members of the Indian Mining Association. This electorate would have included a large number of Europeans for whose representation His Honour in Council considered it desirable to make provision, but so far as this consideration is concerned, the necessity for it has disappeared with the Local Government's acceptance of the proposal that a separate communal electorate should be constituted for the Europeans in the province who are qualified by the payment of income-tax. Having regard to this fact and to the importance of the Indian-owned Mining interests in Bihar and Orissa, the Lieutenant-Governor in Council considers that it would be desirable to allot the second mining seat to the Indian Mining Federation. If it be provided that firms which are members of both the Indian Mining Association and the Indian Mining Federation must declare beforehand in which of these two bodies they will exercise their vote and be registered accordingly, it seems tolerably certain that the Indian firms which are members of both will prefer to vote in the Indian Mining Federation. The result would be that European and Indian Mining interests would be separately represented in the new Council.

4. The Local Government do not consider it necessary, for the purpose of the Legislative Council elections, to weight the votes of members of the two Associations in accordance with output in some such manner as now obtains in the case of elections for the Mines Board of Health (*vide* section 3 of the Bengal Mining Settlement Act, 1912, read with Part I of the Rules under the Act). Any arrangement of this description would introduce an unnecessary complication, and there is no reason to fear that the system now followed in the case of the Indian Mining Association will fail to secure suitable representatives of the interests concerned.

Letter No. 715-R., dated the 21st November 1918, from the Assistant Secretary, Indian Mining Association, Calcutta, to the Chief Secretary to the Government of Bihar and Orissa.

I am directed by the Hon'ble Mr. R. M. Watson Smyth to give you the information requested in your note of 19th November to him.

"*1. The constitution of the Indian Mining Association, with the rules of membership, etc.*"

A copy * of the rules of the Association is enclosed herewith.

"*2. The number of firms and companies who are members of the Association.*"

A list * of the members is also enclosed. It will be seen that there are in all 103 members.

---

* Not printed.

"*3. The total amount of capital represented by the members of the Association.*"

The total amount of capital represented by the members marked with a cross in the enclosed list is nearly 5 crores of rupees. The Association have no information as to the capital which the remaining members have invested in coal.

"*4. The value and amount of coal raised by the members of the Association in comparison to the total value and amount of the output of the Bihar and Orissa coalfield as a whole.*"

The output of members of the Indian Mining Association represents 80 per cent. of the total output of the Bihar and Orissa coalfield. The total output in Bihar and Orissa in 1917 was 11,931,000 tons, and about 9,500,000 tons of this was raised by members of the Association. The value of the total amount raised in 1917 in Bihar and Orissa exceeds 5 crores of rupees, of which about 4¼ crores represents the value of the coal raised by members of the Indian Mining Association.

Letter No. 097, dated the 20th November 1918, from the Honorary Secretary, Indian Mining Federation, Calcutta, to the Chief Secretary to the Government of Bihar and Orissa

I have the honour to acknowledge the receipt of your telegraphic message dated the 19th November 1918, which, however, was misdelivered to the office of the Bengal Chamber of Commerce from which we received it to-day. You have requested us to supply information for the use of the Reforms Committees on the following points :—

(1) Constitution of the Federation including the rules of membership. (2) Number of firms and companies in Federation. (3) Capital represented by the members of the Federation and (4) Value and amount of coal raised by the membersof the Federation in comparison with total output of Bihar and Orissa coal-fields.

Regarding the first point I beg to state that the Federation consists of members who are colliery proprietors and coal merchants. Colliery proprietors, the monthly raising of whose collieries are one thousand tons or over, pay subscription at the rate of Rs. 120 a year and the rest pay each Rs. 60 a year.

Over 92 per cent. of the members are colliery proprietors and most of them belong to highly respectable families having zamindary and coal business for their occupation. The rest *i e.*, about 7 per cent. are coal merchants.

The administration of the Federation is conducted by an executive body, elected every year by the members of the Federation at a general meeting. The executive body consists of a Chairman, an Honorary Secretary and a Committee comprising of eleven members assisted by a paid Assistant Secretary.

The present members of the Executive Committee :—

Chairman.—Mr. N. C. Sircar.
Honorary Secretary.—Mr. N. M. Choudhuri.
Members.—1. Rai A. C. Banerjee Bahadur.
2. Mr. D. N. Bagchi.
3. Mr. B. Mukharjee.
4. Mr. J. N. Ghosh.
5. Mr. N. Sircar.
6. Mr. S. K. Banerjee.
7. Mr. S. N. Sircar.
8. Mr. R. N. Mukharjee.
9. Mr. W. C. Banerjee.
10. Mr. Amritlal Ojha.
11. Mr. Nathubhoy J. Metha.

The Federation is affiliated to the Bengal National Chamber of Commerce.

Two copies of the Rules and Regulations* which govern the affairs of the Federation are enclosed herewith.

Regarding the second point the present number of members in the Roll is 259 of which 239 are colliery proprietors and firms of managing agents of collieries and 20 are coal merchants.

There are 331 collieries belonging to the Federation of which 67 are in Bengal and 264 in Bihar and Orissa.

Regarding the third point, as the collieries of the Federation are almost all privately owned, we are, therefore, not in a position to state definitely the amount of capital which is represented by the Federation. The amount may however roughly be estimated to be about 400 lacs of rupees.

Regarding the fourth point, the output of the collieries under the Federation is estimated to be a little above one-third of the whole output from the Bihar and Orissa coalfields and its value might be about 150 lacs of rupees.

---

* Not printed.

VII.—THE CENTRAL PROVINCES AND BERAR.

PAGE.

(1) Note prepared by the Administration of the Central Provinces and Berar for the consideration of the Franchise Committee, together with a summary of the proposals for the constitution of urban and rural constituencies (Appendix VI) 249

(2) Note of a discussion with the Chief Commissioner of the Central Provinces, held at Nagpur on the 14th December 1918, with statements (I, II and III) showing the proposals of the Local Administration as revised after discussion with the Franchise Committee 259

(1) Note prepared by the Administration of the Central Provinces and Berar, together with a summary of the proposals for the constitution of urban and rural constituencies (Appendix VI).

I.—General description of the Province.

1. The Province, excluding the Feudatory States, covers 99,823 square miles and supports a population of 13,975,279 persons. It comprises five administrative Divisions or Commissionerships, which are again subdivided into 22 districts of an average extent of 4,537 square miles (*i.e.*, rather larger than Devon and Somerset) and with an average population of 632,559 persons.

The main natural features of the Province are :—

(I) The Nerbudda Valley to the north,
(II) The Satpura Plateau south of it, running east and west,
(III) The Maratha Plain in the south-west, and
(V) The Chhattisgarh Plain in the south-east.

2. The *Nerbudda Valley* and *Satpura Plateau* contain the Jubbulpore and Nerbudda Divisions with ten districts in all. The Nerbudda Valley is the main wheat-growing area of the Province. In the four Plateau districts the soil is poor and minor crops take the place of wheat over large areas. There are eight coal mines and a few manganese mines on the Plateau, and a number of limestone quarries in the Jubbulpore district, but no other important mineral production. There is a glass factory, a cement factory and a gun-carriage factory in or near Jubbulpore, but no other modern industries. The only towns of importance are Jubbulpore (population 100,651), Saugor (45,908), Khandwa (21,604) and Burhanpur (30,435). The first-named is an important cantonment. Burhanpur is an old Mahomedan town well known for its weaving and gold-wire work. The *Maratha Plain* comprises the Nagpur and Berar Divisions with nine districts in all. In the three easternmost districts rice is the main staple. The remaining six districts produce cotton and juar and constitute by far the most wealthy portion of the Province. The eastern districts contain important manganese mines. The six western districts support 358 cotton gins and presses and 11 spinning and weaving mills. The only towns of importance in this area are Nagpur (134,008), industrially the chief town as well as the administrative capital of the Province; Amraoti (40,610), the head-quarters of the Berar Division, and Akola (27,183). The *Chhattisgarh Plain* corresponding with the Division of the same name comprises three districts only. It is mainly a rice-growing country. There are practically no modern industries in the Division and no towns of importance unless we except Raipur, the Divisional head-quarters (35,335).

3. Over the Province as a whole no less than 79 per cent. of the population are occupied in pasture and agriculture. Six per cent. are engaged in industries, and 4 per cent in trade.

The percentage of literacy in the Province is 6 for males and 3 for all persons.

Berar, it may be noted here, is settled on the Bombay *ryotwari* system, the cultivator being directly responsible for the revenue of his holding to the State. In the Central Provinces the revenue system is known as *malguzari*. The individual cultivator is secured in possession of his holding and his assessment is fixed by Government, but his payments are made to a village proprietor or *malguzar* who alone is responsible for the land revenue of the village.

II.—System of popular representation in force at present.

4. Under existing arrangements the people of the Province, other than the wealthier landholders, are represented in the local Legislative Council by a system of indirect election. There are at present 10 elected members of the local Legislative Council. Four were elected by the 584 members of those "notified" Municipal Committees which enjoy a local income of not less than Rs. 5,000 per annum. Of these 584 members 117 were nominated. Three were elected by the 432 members of District Councils (or District Boards as they are

called in Berar), of whom 79 were nominated members. Three were elected by 1,154 "landholders"—a term which includes Honorary Magistrates and *Darbaris* and those whose land is assessed to land revenue of not less than Rs. 3,000 (in Berar Rs. 1,000) per annum.

5. Certain statements are appended * which give the statistics of popular representation in the Central Provinces Legislative Council. The first of these statements gives the numerical strength of the voters on the rolls in notified Municipal Committees as 49,593, while that of the voters for the Local Boards, by whom in turn the members of the District Councils or Boards were chosen, was 66,270. The varying character of the franchise in different Municipal and Local Board electorates is also indicated.

6. Certain backward rural areas have been excluded from this measure of popular representation, either because they have not (like the Mandla District) been brought within the scope of the Local Self-Government Act, or because they have (like many of the Scheduled Districts) been excluded under Section 36 of that Act from the operation of the ordinary provisions regarding local elections (see paragraph 8).

7. A note * explaining the qualifications of voters and candidates and also the electoral machinery employed under the present system of elections to municipal and local bodies is appended.

III.—Backward Areas for Exclusion.

8. The Chief Commissioner, following the suggestion made in paragraph 199 of the Indian Reforms Report for the special treatment of backward tracts, has decided that the following areas in the Central Provinces should be classed as backward and omitted from the electoral scheme :—

(1) The Sironcha Tahsil of the Chanda District,
(2) All scheduled districts according to the Scheduled Districts Act of 1874, and 12 other zamindari estates in the Chhattisgarh Division,
(3) The Mandla District except Mandla Town, and
(4) The Melghat Taluq of the Amraoti District.

These areas are for the most part inhabited by a homogeneous aboriginal population which keeps itself aloof from the Hindu population. They are remote, ill adapted to good class agriculture, and mainly occupied by hills and forest. The elective principle for Local Boards under the Local Self-Government Act is not at present applicable to them, and until it is applied it does not seem reasonable that they should be included in constituencies for election to the Legislative Council.

9. The Local Administration's letter No. 389-A—IV, dated the 21st November 1918, of which a copy is appended * to this note, explains the Local Administration's proposals. The total population of the area recommended for exclusion is 1,646,670. It is proposed to nominate one member in the local Legislative Council to represent the Mandla District (population 395,855) and another to represent the 62 excluded Zamindaris (population 1,162,404).

The Scheduled Districts of the Central Provinces are the following :—

Chhattisgarh Zamindaris.

1. Khariar.
2. Bindra-Nawagarh.
3. Sahaspur.
4. Gandai.
5. Silheti.
6. Barbaspur.
7. Thakurtola.
8. Lohara.
9. Gondardehi.
10. Fingeswar.
11. Pandaria.
12. Pendra.
13. Matin.
14. Uprora.
15. Kenda.
16. Lapha.
17. Chhuri.
18. Korba.
19. Chapa.
20. Phuljhar.

* Not printed in this Appendix.

Chanda Zamindaris.

1. Ahiri.
2. Ambagarh Chauki.*
3. Aundhi.*
4. Dhanora.
5. Dudhmala.
6. Gewarda.
7. Jharapapra.
8. Khutgaon.
9. Koracha.
10. Kotgal.
11. Muramgaon.
12. Panabaras.
13. Palasgarh.
14. Rangi.
15. Sirsundi.
16. Sonsari.
17. Chandala.
18. Gilgaon.
19. Pawi Muntanda.
20. Pategaon.

Chhindwara Zamindaris.

1. Harai.
2. Chhater.†
3. Gorakhghat.
4. Gorpani.
5. Baktagarh.
6. Bargarh.
7. Pachmarhi.
8. Partabgarh.
9. Almod.
10. Sonpur.
11. Bariam Pagara.†

IV.—Statistics on which proposals are based.

10. The proposals which will now be made for the formation of constituencies for the Central Provinces and Berar are based on figures which have been collected during the past three months from the districts. A copy ‡ of the statistics so collected and of the instructions which were issued to district officers in regard to their preparation is appended to this note. The Chief Commissioner wishes to call attention in the first place to the system which has been adopted in dealing with recorded joint sharers in the ownership of land or in a tenant holding. These are contained in items V and VII of the Instructions for Form A. For example, where two persons are recorded as joint tenants of a holding assessed to Rs. 50 rent, each is shown in the statistics as paying Rs. 25 only. This has an important bearing on the representation of the joint Hindu family. If the elder member of the famuly in possession of the holding were alone taken into account, he would qualify for the vote. As it is, under the system proposed for the Central Provinces the joint family in the instance given is unrepresented. It seems, however, more logical to allow each person claiming to vote the benefit only of such a property qualification as can be properly ascribed to him as an individual.

11. Under item VI of the same Instructions holders of rent-free or revenue-free plots have been, for simplicity's sake, left out of account. For the same reason the landlords and plotholders or tenants' classes have under item X been made mutually exclusive. For instance, a landlord in the Nagpur District assessed to a land revenue of Rs. 95 and also paying Rs. 45 as rent for a tenant-holding is excluded from the number of those qualified to vote. And no account has been taken of the rental valuation of a landlord's home-farm, thus on a given franchise excluding the smaller landlords whose revenue payment is not of the qualifying amount even though the rental valuation of their home-farm might qualify them for it in their capacity as cultivators. These considerations indicate that the statistics collected, though only intended to be approximately correct, have a tendency to understate the number of voters which will eventually be disclosed.

12. In the municipal towns statistics have been collected of persons occupying houses on stated annual rental values. The figures have been supplied by the municipal committees concerned, but in some cases the returns appear to be open to question. There has been no time, however, to verify the returns received. It is probable that here also some addition to the roll of voters might result on a further scrutiny of the rental lists.

V.—Qualifications for the new franchise.

13. The Chief Commissioner in the note which he has recorded on the joint scheme of Reforms has strongly emphasized the necessity of caution in deciding

* Now in Drug District.
† Now in Hoshangabad District.
‡ Not printed in this Appendix.

as to the extent to which the franchise should be conferred. He does not here wish to repeat the arguments which have led him to the opinion that in the Central Provinces the franchise cannot be really broad, further than to mention that the people, especially in the rural tracts, show little interest in public affairs, and that it would further be impossible to conduct elections without irregularities if the polls were swamped with masses of voters.

14. He has come to the conclusion that the following classes should be regarded as qualifying for the vote in the Central Provinces :—

(1) Landlords paying or liable to pay Rs. 100 or more land revenue.
(2) Persons whether landlords, tenants, plotholders or ryots holding agricultural land assessed at Rs. 50 or more in rent or revenue.
(3) Persons paying income-tax.
(4) Persons residing in urban areas and occupying houses of a rental value of Rs. 48 or more per annum.

15. The Chief Commissioner adheres to the opinion which he expressed in January last that the qualification for the actual cultivator of land should be lower than that for the rent-receiver or landlord, seeing that the cultivator's assessment connotes a much higher income than that indicated by the corresponding assessment of a mere rent-receiver. He has therefore taken the figure of revenue payment for the latter at double the cultivators' payment. The principle underlying this differentiation is already accepted in the existing electoral scheme for these Provinces (see paragraph 4 above), a payment of Rs. 1,000 by a cultivator in Berar being taken as the equivalent of a payment of Rs. 3,000 by a landholder in the Central Provinces.

The Chief Commissioner would in rural areas take a rental of Rs. 50, corresponding roughly to an income of Rs. 500 or 600 per annum, as a convenient standard for the franchise. But there is no hard-and-fast principle underlying the selection of this figure. The only satisfactory guide in forming an electorate is to estimate from local knowledge the class of intelligence which will be brought into play in a given area by the application of a given franchise.

In the towns, it is proposed to base the qualification for the vote on the payment of house-rent as indicated in item (4) above. It may be taken for granted that most income-tax payers will find a place amongst persons paying Rs. 48 and above as house-rent, and in the statements appended,* setting forth the detail of the electorates proposed, these are left out of account for the purpose of arriving at the number of voters in a constituency.

16. With regard to the standard of Rs. 50 put forward as the qualification for a cultivator's vote, the Chief Commissioner is prepared to modify it so as to accept a lower rate in the case of certain lightly-assessed districts where a standard of Rs. 50 would give an electorate too small for the proper representation of the cultivating class. These districts are :—

Bhandara and Chanda in the Nagpur Division,
Raipur, Drug and Bilaspur in the Chhattisgarh Division,
Nimar, Betul and Chhindwara in the Nerbudda Division,
Seoni in the Jubbulpore Division, and
Yeotmal in the Berar Division.

In all these districts the incidence of the rent on tenant land is less than one rupee per acre. In Chanda and the three districts of Chhattisgarh tenants' holdings are small, and here and in Betul, where, though holdings are larger, the average incidence of rents is only 6 annas 10 pies per acre, Rs. 30 is proposed for the cultivator's franchise. In the other lightly-assessed districts and in Balaghat, where, though the rental incidence is over one rupee, the holdings are unusually small, a payment of Rs. 40 may be taken to qualify the cultivator for a vote.

A statement † is appended showing the incidence of tenants' rents per acre in the different districts of the Province and indicating the average area upon which the minimum rental qualifying for the proposed franchise is paid.

17. Only males of 21 years of age resident within the territorial limits of the constituency who register themselves as voters will be qualified to exercise the franchise. No person (other than members of the University Senate, who

*Appendix VI.
† Not printed in this Appendix.

will also exercise their territorial franchise) will be qualified to vote in more than one constituency.

18. No separate educational qualification is suggested. While fully admitting the value of education as a supplementary qualification for the franchise, the Chief Commissioner would strongly deprecate its adoption as a qualification *per se*. Intelligence is not the same as common sense, and the latter quality can best be imported into politics by providing that the voter shall have a practical and not merely theoretical interest in the issues at stake.

19. In the case of urban constituencies the proposal is to base the franchise mainly on the ownership or occupation of a house of the annual rental value of Rs. 48 per annum. The existing municipal franchise is usually based either on assessment to taxation or on receipt of a certain income. But the preparation of accurate estimates of income is always difficult, while the basis of taxation in the municipalities of these Provinces is most frequently the house-rent, and the latter seems therefore most suitable for adoption for the purpose of the new electoral franchise.

20. Statistics show that there are in municipal areas nearly 24,000 persons whose house-rent is Rs. 48 or more per annum. But only 4,700 persons are assessed to income-tax. From these figures it is clear that a house-rent of Rs. 48 implies the receipt of a net income considerably less than Rs. 1,000 per mensem. Probably such a house-rent would be paid in many localities by those with a net income of about Rs. 600 per annum, which may be taken also as the approximate net income of the average cultivator who possesses the minimum qualification for a vote.

VI.—Urban Constituencies.

21. The total population of the Provinces, excluding the Feudatory States, is 13,975,279. Deducting the population of the backward areas already mentioned, the population for whom representation is to be found in the new Council will be 12,328,609. Nine members are proposed * for urban constituencies with a population of 826,611 persons, as against 36 members for rural constituencies with a population of 11,501,998 persons. The disproportionate representation thus given to the towns is justified by the comparative intelligence of the townsman and his aptitude for political education and also by the fact that the professional and commercial classes are largely concentrated in urban areas.

22. Separate representation is provided for the two cities of the Province—Nagpur (with Kamptee) and Jubbulpore. The other towns are grouped in the Central Provinces by Divisions, those of each Division forming a separate constituency. In Berar, where the urban population is larger, it is proposed to have two constituencies, one for the towns of East Berar and another for those of West Berar. The total urban electorate for the Province will number 27,608 persons or 3·3 per cent of the total urban population.

23. An alternative scheme forming the nine largest towns into eight separate constituencies has been prepared for the consideration of the Committee. But the Chief Commissioner is inclined to prefer the system of grouped towns explained in the preceding paragraph.

24. Polling will present no difficulty in the towns. The largest municipality in the Province is Nagpur with some 5,000 electors. It was possible at the last municipal elections for a single officer to deal with about 50 voters per hour or about 300 in the day. There will be no difficulty in finding a sufficient number of reliable polling officers. Almost all the towns which form urban constituencies are Tahsil if not District Head-quarters with a staff of responsible officials. And their work will be facilitated by the relatively large proportion of literate voters. In the twelve towns of the Province for which the figures are available the percentage of literate male adults to the total population is 10 per cent.

VII.—Rural Constituencies.

25. The population to be represented in the rural constituencies totals 11,501,998 persons. The statements attached * show the constituencies which

* Appendix VI.

the Chief Commissioner proposes for adoption. They are 36 in number. In some of the larger districts such as Nagpur, Wardha, Bhandara, Saugor and Amraoti, it has been found impossible to divide the districts into suitable areas so as to form separate constituencies without running counter to the existing lines of administrative sub-division. The system of administration in these Provinces is based on the District and the Tahsil, and any classification of areas for the purpose of forming homogeneous constituencies which cuts across this system would not be readily understood, otherwise the Chief Commissioner would have no strong objection to it, if it is thought better to have smaller single member constituencies. In the districts mentioned it is therefore proposed to form plural constituencies, electing in some cases three and in some cases two members. The Chief Commissioner himself sees no great objection to plural constituencies in the case of these districts. He would have personally preferred small single constituency areas within the district, could these have been suitably formed. But as we are in any case making an experiment in representation, he does not think that the adoption of plural constituencies in a certain number of cases should be opposed at this preliminary stage. The existence of plural constituencies will in no way alter the system of voting. One man one vote is a simple principle which the people can understand and it should be everywhere applied.

26. Generally speaking the basis of representation which the Chief Commissioner would for the present adopt is that no single constituency should have more than 3,000 voters, though it has been found impossible to adhere to this standard in all cases. With regard to individual districts the Chief Commissioner wishes to make the following remarks.

In the *Bhandara* district the number of voters might indicate that only one member should be given for the district. Its population is, however, large (773,677), practically all rural. A re-settlement of the district is at present in progress and the number of persons paying Rs. 40 rent and over is likely to be substantially increased before the new electorates are formed. On the whole therefore the Chief Commissioner would prefer to make it a two-member constituency.

The *Narsinghpur* district is a small one with a population of 325,677. It contains, however, a large number of tenants of good standing, and it is proposed that it should be allowed to return two members.

The three districts of *Raipur*, *Bilaspur* and *Drug* contain large populations, namely, 1,324,856, 1,146,223 and 775,688. But, if Zamindari areas are excluded as has been proposed above, the figures for the rural population are reduced to 817,552, 774,067 and 581,391. Even taking Rs. 30 as the qualification for a cultivator's vote, the number of voters in the Bilaspur district will be comparatively small. The Chief Commissioner thinks that Raipur, which is the most important of the three districts, might be given two members, the others returning one each.

27. As regards polling in rural constituencies, past experience in connexion with Local Board elections can provide but little useful information. Under the existing system the tahsil is the largest unit for which an election is held. And the electorates in each tahsil number only a few hundred persons, of whom a comparatively small percentage take the trouble to attend the poll. The present elections are handled by the Tahsildar and his assistant and give no practical indication of the difficulties which will arise in polling the very much larger electorates now proposed.

28. The main factors governing an estimate of the number of rural voters which can be polled would seem to be—

(1) The intelligence of the voters and the number of literates among them.
(2) The number of officers of standing available for the work of polling.

As to (1) there will be a marked difference in this respect between rural and urban constituencies. Knowing the average cultivator's ideas of punctual and prompt compliance with instructions, the Chief Commissioner doubts whether a single polling officer will be able to deal with more than 200 to 250 rural voters in a day. In the Chief Commissioner's opinion it is desirable that, if possible the polling at each polling station should be completed in one day; protraction would facilitate impersonation, undue influence and so forth, which it can hardly be hoped altogether to avoid.

As to (2) in the Chief Commissioner's opinion it will be best to employ selected Government officers to supervise the polling. The required number of officials will be forthcoming in the persons of the three or four Assistant or Extra-Assistant Commissioners, the District Excise Officer, the three or four Tahsildars and Naib-Tahsildars, the Deputy Inspectors of Schools and Headmasters of middle schools and the Superintendent of Land Records and his assistant, who are attached to every district. In a district of average size their number will be not less than fifteen. The best plan would appear to be to hold the elections for different tahsils on different dates, so as to enable the requisite number of polling officers to move from one to the other, if this should be necessary.

VIII.—Constitution of the Legislative Council.

29. The present Council includes, besides the Chief Commissioner who is a member *ex-officio*,

(*a*) 10 elected members, as explained in paragraph 4 above;

(*b*) 14 nominated members, of whom 10 are nominated officials;

(The officials at present nominated are the Financial Commissioner, the Commissioner of Berar, three Secretaries, the Legal Remembrancer, the Chief Engineer, the Inspector-General of Civil Hospitals, the Inspector-General of Police, and the Director of Public Instruction.) and

(*c*) one expert member.

The total, exclusive of the President, is thus 25, as against a statutory maximum of 30.

30. The new Council may be constituted as follows :—

Ex-officio Members.

1 President.
1 Member of the Provincial Executive Council.*

Elected Members.

9 Members for Urban Constituencies.
36 Members for Rural Constituencies.
1 Member for the Central Provinces University.

Nominated Members.

1 Member for the Mandla District.
1 Member for the excluded Zamindaris.
7 Official Members.
1 Expert Member.
1 Member to represent the Zamindars and hereditary Title-holders of the Province.
3 Members to represent the Muhammadan Community.
1 Member to represent the non-official European and Anglo-Indian Community.
1 Member to represent the Depressed and Backward Classes.
1 Member to represent the Mining Industry.
1 Member to represent Factories.

The total membership of the Council, exclusive of the President, will thus be 65, of whom 46 members will be elected, 18 nominated, and one appointed *ex-officio*.

31. The Central Provinces University has not yet come into existence. When it is established the member to represent it can most suitably be elected by the Senate. The Senate in the final scheme will consist of the Chancellor, the Vice-Chancellor, 9 *ex-officio* members, 14 nominated members, 34 members of the Teaching Staff of the University and incorporated Colleges nominated by the Chancellor, 15 graduates elected by registered graduates, and 3 co-opted members. The Chief Commissioner is not in favour of devising a special electorate of registered graduates and teachers. It is the University which is to receive

* The other member will be one of the elected Legislative Council Members.

representation in the local Legislative Council, and in view of the proposal so to constitute the Senate as to secure due representation of all its members, it seems unnecessary to devise any wider electoral body.

IX.—Proposals for Nominated Members.

32. One member will be nominated to represent the excluded district of Mandla (population 395,855) and another to represent the excluded Zamindaris of Chhattisgarh, Chanda and Chhindwara (population 1,162,404)—*vide* paragraphs 8 and 9 above.

33. There will be seven nominated official members. With a Council, as proposed, of 65 members, nine officials will be needed to provide the maximum official representation permitted in the Grand Committee. In addition to the seven here proposed there will be one member of the Executive Council in the Legislative Council, and one expert who, to begin with, will usually be an official.

34. The Chief Commissioner would recommend the nomination of eight members to represent those special classes, communities or interests which are unlikely in the new Council to gain the representation which they need.

35. The Chief Commissioner would nominate a member to represent the Zamindars and important landholders having hereditary titles. These constitute a distinct class. There is already separate representation for landholders, and the most important of these, constituting as it were the aristocracy of the Province, should continue to hold a seat in the reformed Council. The Zamindars concerned number 106, including those belonging to excluded areas as well as those from other parts of the Province, for there is no distinction between them. And there are 88 title-holders all of whom represent old landed families. The class is small but represents an important landed interest and has an historical position in the Province. It would be in keeping with the traditions of the class that its representative should be nominated and not elected.

36. The Chief Commissioner in his note on the Montagu-Chelmsford scheme has pointed out that "in the Central Provinces we are fortunately so circumstanced that the question of communal electorates can hardly be said to arise. The Muhammadans are but a fraction of the population and are widely scattered; it is next to impossible to suggest constituencies to meet their case, and in the Central Provinces it would be correct to lay down from the outset that the special exception which the Report has made as to the representation of this community cannot be carried into practical effect."

The total Muhammadan population of the Provinces is 574,276 or 4 per cent. of the whole. In the proposed urban constituencies the Muhammadan population is 161,337 or 20 per cent. of the whole. But in only three towns (Jubbulpore, Nagpur and Burhanpur) does their number exceed 10,000 and in only seven others (Saugor, Khandwa, Amraoti, Akola, Ellichpur, Raipur and Kamptee) does it exceed 5,000. In rural areas the total Muhammadan population is 393,160 and in no district does it exceed 60,000.

The arrangement "promised to the Muhammadans by Lord Minto in 1906 and secured to them by the Reforms of 1909," to which a reference is made in paragraph 227 of the Reforms Report, is of doubtful application to the Central Provinces and Berar. A Legislative Council for these Provinces was formed only in 1913, and the proposal of the Chief Commissioner at that time to the effect that "the Muhammadan community which is small and scattered can most conveniently be provided for by the nomination of one of its leaders" was definitely accepted by the Government of India. The authors of the Reforms Report themselves "regard any system of communal electorates as a very serious hindrance to the development of the self-governing principle," and in the absence of any pledge by Government to such a system in the Central Provinces it appears undesirable to introduce it, if it can be avoided. As in the case of other minorities therefore the Muhammadan community will in these Provinces be most suitably represented by nomination. And it will be sufficiently represented by three members.

37. It is proposed to nominate one representative for the European non-official and Anglo-Indian communities. Figures distinguishing officials from non-officials are not available, but the total number of British subjects at last census was 6,957 of whom nearly half were in all probability British troops and their

dependants at Jubbulpore, while the Anglo-Indian community numbered 3,343. The numbers are small, but under the new regime it will be desirable to give this class a representation which it cannot otherwise hope to obtain.

38. Certain backward or depressed classes also require special representation. They will have a certain number of votes in the ordinary constituencies, but these will be comparatively few as their status is ordinarily not such as to qualify them for the franchise, though their numbers are considerable. The impure castes, which are 13 in number, total 3,060,232 persons according to last census, of whom 1,165,177 are Mahars and 901,594 are Chamars. The same number of Forest and Hill Tribes total 3,378,895, of whom 2,333,893 are Gonds. In this case also nomination is not only desirable in principle but is practically essential if the peculiar interests of these special classes are to be properly represented.

39. There are important mining interests in the Central Provinces and Berar. The manganese mines, 51 in number, employ on an average 13,142 persons daily, and have an annual output of 482,961 tons valued at Rs. 37,75,467. The coal mines number 11, employ on an average 4,256 persons daily, and have an annual output of 371,901 tons valued at Rs. 15,15,931.

The Central Provinces and Berar Mining Association, constituted in 1908, is fully representative of the two chief mining industries of the Province. But its membership is small, 16 persons in all, and for this reason the Chief Commissioner would advise that the representative of this interest be for the present nominated. But if election is preferred, it would be better to leave it in the hands of the members of the Mining Association at a special general meeting than go behind the Association and create a wider electorate.

40. The only factories of importance are those connected with cotton. There are 13 cotton spinning and weaving mills which employ on an average nearly 14,000 persons daily, and 426 cotton gins and presses employing nearly 28,000 persons. But neither owners nor managers have so far formed an association of any sort to protect or promote their interests. This is an industry which requires special consideration. The Chief Commissioner would therefore allot one seat in the Council to factory owners and managers to be filled, in the absence of a fully organized and representative association, by official nomination.

X.—The Qualification of Candidates.

41. As regards the question of the qualification of candidates for election to the Legislative Council it seems only necessary to prescribe the general condition that no person shall be eligible for election unless he possesses the qualification for a vote and has been registered as a voter within the constituency for which he stands.

XI.—The Indian Legislative Assembly.

42. In paragraph 274 of the Reforms Report it is proposed to allot five seats in the Indian Assembly to members elected to represent the Central Provinces and Berar. This representation will, in the Chief Commissioner's opinion, be adequate, seeing that officials will also, according to paragraph 277, be eligible for nomination to the same body. At present one additional member of the Governor-General's Legislative Council is elected by landholders in the Central Provinces and another by the non-official members of the local Council. The Provinces are also as a rule represented by an official nominee, but this depends on the choice of the Governor-General.

The Chief Commissioner would recommend that under the new scheme the five provincial representatives in the Indian Assembly should be elected by the non-official members, whether nominated or elected, of the local Council. But candidature should not be restricted to that body. Any person should be eligible for election who is qualified to vote in any constituency in the Province. Direct election will not be feasible. Elections for the local Council will sufficiently tax the intelligence of such an electorate as these Provinces can produce, and for the Indian Assembly there would appear to be no practical alternative to indirect representation.

XII.—The Council of State.

43. This Province will, according to the scheme outlined in the Reforms Report, return one elected member to the Council of State—officials also being here, as in the Legislative Assembly, eligible for nomination. The Chief Commissioner accepts the proposal. Here again the non-official members of the local Legislative Council will form the only feasible electorate. But in view of the standing of the Council of State the Chief Commissioner would propose to limit the candidature in these Provinces to persons paying Rs. 5,000 as land revenue or having an income of Rs. 25,000 per annum.

APPENDIX VI.

Urban and Rural Constituencies.

Summary of proposals.

Division.	Constituency.	Population.	Proposed electorate.	Percentage of col. 4 on col 3.	Number of members.
1	2	3	4	5	6
Jubbulpore (Population 2,025,209)	General Urban	101,980	2,185	2·1	1
	Jubbulpore Urban	100,651	2,725	2·7	1
	Jubbulpore Rural 1	258,673	2,865	1·1	1
	Jubbulpore Rural 2	370,756	2,289	·6	1
	Damoh Rural	316,005	2,745	·8	1
	Saugor Rural (*Plural*)	495,502	4,815	·9	2
	Seoni Rural	381,642	3,195	·8	1
Chhattisgarh (Population 2,245,703)	General Urban	72,693	2,157	2·9	1
	Raipur Rural 1	503,706	2,617	·5	1
	Raipur Rural 2	313,846	2,343	·7	1
	Bilaspur Rural	774,067	2,917	·3	1
	Drug Rural	581,391	4,616	·7	1
Nerbudda (Population 2,011,391)	General Urban	108,122	4,499	4·1	1
	Hoshangabad Rural 1	257,110	2,827	1·0	1
	Hoshangabad Rural 2	179,873	3,425	1·9	1
	Nimar Rural	346,690	4,035	1·1	1
	Narsinghpur Rural 1	142,852	2,482	1·0	1
	Narsinghpur Rural 2	167,480	1,867	1·1	1
	Chhindwara Rural	426,332	2,530	·5	1
	Betul Rural	382,932	2,341	·6	1
Nagpur (Population 3,033,319)	General Urban	101,717	3,494	3·4	1
	Nagpur and Kamptee Urban (*Plural*)	158,000	4,345	2·7	2
	Nagpur Rural (*Plural*)	673,701	6,979	1·0	3
	Wardha Rural (*Plural*)	422,410	4,170	·9	2
	Chanda Rural	535,555	2,270	·4	1
	Bhandara Rural (*Plural*)	760,416	3,069	·4	2
	Balaghat Rural	381,520	2,833	·7	1
Berar (Population 3,012,987)	General Urban 1	78,570	3,603	4·5	1
	General Urban 2	104,878	4,600	4·3	1
	Amraoti Rural (*Plural*)	705,327	11,072	1·4	3
	Akola Rural 1	235,129	3,651	1·1	1
	Akola Rural 2	236,841	3,531	1·4	1
	Akola Rural 3	251,668	2,525	1·0	1
	Buldana Rural 1	362,863	3,679	1·0	1
	Buldana Rural 2	268,023	3,196	1·1	1
	Yeotmal Rural 1	376,233	2,487	·6	1
	Yeotmal Rural 2	333,455	2,678	·8	1
	Total for 37 Constituencies	12,328,609	127,696	1·0	45
	Total for Excluded Areas	1,646,670	...	...	2
	Grand Total for Central Provinces Districts and Berar.	13,975,279	...	...	47

(2) Note of a discussion with the Chief Commissioner of the Central Provinces, held at Nagpur on the 14th December 1918, with statements (I, II and III), showing the proposals of the Local Administration as revised after discussion with the Franchise Committee.

The Franchise Committee met the Chief Commissioner of the Central Provinces (the Hon'ble Sir Benjamin Robertson, K.C.M.G., K.C.S.I., C.I.E., I.C.S.) to discuss the following questions :—

1. The possibility of extending the franchise in rural areas so as to give a vote to rural traders with an income below the income-tax level.

The Chief Commissioner was willing to extend the franchise in rural areas to persons paying a local cess or school rate assessed on an income of not less than Rs. 500 a year from non-agricultural sources, but this could not be done till the new Local Self-Government Bill became law.

2. The lowering of the urban franchise to cover house-rent of Rs. 36 per annum.

The Chief Commissioner accepted the suggestion. In a note of the 16th January 1918 addressed to the Government of India in the Home Department he had declared himself in favour of a somewhat lower franchise in the case of urban electorates than in the case of rural. No figures were, however, available to show the number of voters so qualified.

3. The question whether owners as well as occupiers should not be included under (4) *of paragraph 14 of the Administration's note.*

Paragraph 19 read with paragraph 14 of the Local Administration's note on franchise proposals indicated the Chief Commissioner's intention to confer the vote on both owners and occupiers of houses.

4. Whether the urban qualification should not also apply to the small municipal towns included in rural constituencies.

The Chief Commissioner had no objection to this proposal. It was a matter of little practical importance.

5. As an alternative, to exclude the small municipal towns from the rural constituencies and to include them in the divisional urban groups. Or the alternative scheme of separate constituencies for large towns.

The Chief Commissioner was not in favour of the former alternative. The latter was put forward for the Committee's consideration, but the Chief Commissioner was not personally prepared to recommend it.

6. The addition of a separate educational standard (e.g., *non-student matriculates or graduates*) *as a franchise qualification.*

The Chief Commissioner had expressed his opinion against a separate educational qualification. It was pointed out, however, that in the case of the joint Hindu family the only feasible means of conferring the franchise was to give a vote to the head of the family or to some member specially nominated by the family to exercise it on their behalf, and the creation of a separate educational qualification would admit to the franchise other members of the joint Hindu family who would otherwise be unable to exercise the vote. The Chief Commissioner considered that only on this ground could justification be found for departing from the ordinary basis of a property qualification, but personally he would prefer to adhere to his original opinion and maintain a property qualification.

7. The proposal to give a vote to all lambardars in the Central Provinces and to all watandar patels holding office and registered deshmukhs and deshpandias in Berar.

The Chief Commissioner accepted this proposal. The practical difference would be very small as the great bulk of the classes mentioned would get the vote under the ordinary property qualification.

8. The conversion of the proposed plural constituencies into single-member constituencies, either by (a) *accepting unequal constituencies with the tahsil as a unit or* (b) *dividing tahsils where necessary.*

The Chief Commissioner accepted the suggestion that single-member constituencies should be formed regardless of inequalities where these were unavoidable. The plural constituencies originally proposed with some reluctance as an alternative method could be subdivided accordingly, the tahsil being taken as the unit (*vide* appended statement II).

9. Whether the proportion of members allotted to Berar (12 out of 47) is adequate to its importance.

The Chief Commissioner agreed to give an additional member to Berar.

10. The abolition of the existing privilege of a separate electorate for large landlords, and the substitution of one representative of zamindars and hereditary title-holders.

The existing electorate for large landholders was adopted only to enable a commencement to be made with elections to the Legislative Council when it was first formed in 1914 : it should not be perpetuated. A representative was now proposed for zamindars and hereditary title-holders as representing the landed aristocracy of the Province, and nomination would be the most suitable form for securing such representation.

11. The question of separate electorates for Muhammadans for 15 per cent. of the Indian elected seats, in accordance with the Lucknow compact of the Congress-Moslem League.

The Chief Commissioner had expressed himself as opposed to separate Muhammadan electorates in the circumstances of the Central Provinces. These circumstances were discussed with the Committee and the reasons for the Chief Commissioner's opinion were stated. If, however, the principle of separate electorates was applied to the Province under the orders of the Imperial Government, separate electorates could be devised, *viz.*, one for the Berar division and one each for the Nagpur and Chhattisgarh divisions and the Jubbulpore and Nerbudda divisions. The question of allowing to Muhammadans 15 per cent. of the elected Indian seats was discussed ; this percentage was wholly disproportionate to the strength and standing of the community, and the Chief Commissioner could not accept it. If, however, it was to be imposed upon the Province, electorates could be constituted on this basis (*vide* appended statement III).

12. The question of separate electorates, instead of nomination, for :—

(*a*) *Europeans and Anglo-Indians,*
(*b*) *Mining,*
(*c*) *Factories,*
(*d*) *Commerce.*

The Chief Commissioner had expressed his opinion as in favour of nomination for these interests, but separate electorates could be devised for (*a*), (*b*) and (*c*).

In the case of (*b*) Mining, election by the Central Provinces and Berar Mining Association might be adopted. The Chief Commissioner considered that the Association was sufficiently representative for the purpose and he would prefer this to a separate electorate of mine-owners.

With regard to (*c*) Factories, there was no representative Association ; if one were formed, it might elect a member to the Council. Failing this, it would be possible, if so desired, to let owners of factories registered under the Factories Act form a separate constituency.

As regards (*d*) Commerce, it was suggested that persons shown in the Income-tax returns as deriving their main income from Commerce might form an electorate. But the Income-tax returns showed that the preponderating interest under 'Commerce and Trade' was that of money-lending, and the Chief Commissioner would not therefore favour any separate representation for Commerce in the existing circumstances of the Central Provinces : moreover commercial interests would receive adequate representation through the urban vote.

13. Whether the number of nominated official members is adequate to provide for the needs of the Grand Committee and for Select Committees on Bills.

Any addition could be made on this account that might be considered suitable. Three additional members were suggested (*vide* appended statement I).

14. The enlargement of the Council in order to give effect to any of the above questions that may be accepted.

Statement I appended indicates the enlargement of the Council needed to give effect to the modifications of his original proposals which were accepted by the Chief Commissioner.

15. The question whether a subject of a Native State should be allowed a vote or whether the qualification should be limited to British subjects. The special position of Berar in this respect.

Aliens should have no vote ; the subjects of a Native State in India might be permitted to exercise the franchise if otherwise qualified to do so.

16. The method of preparation of the electoral roll, e.g., *whether it should be restricted to applicants for the vote.*

It was not intended that the entry of a voter's name in the electoral rolls should be contingent on his personal application.

17. The residential qualification for candidates prescribed in paragraph 17 of the Administration's note.

The Chief Commissioner intended that constructive residence should suffice for this qualification. He also mentioned the device which had been adopted in the draft Local Self-Government Bill, by which an urban area was deemed to be included in the surrounding rural area for this purpose. His desire was that candidates should be local men acquainted with the constituency and known to the electors.

STATEMENT I.

Revised Constitution of the Legislative Council.

	Number of members.
Ex-officio Members.	
President	1
Member of the Provincial Executive Council *	1
Elected Members.	
Members for urban constituencies	10
Members for rural constituencies	36
Member for the Central Provinces and Berar University	1
Nominated Members.	
Official members	10
Expert member	1
Member for the zamindars and hereditary title-holders	1
Member for the Mandla district	1
Member for excluded zamindaris	1
Member for the depressed and backward classes	1
Muhammadan members †	3
Member for non-official Europeans and Anglo-Indians †	1
Member for the Mining Industry †	1
Member for factories †	1
Total	70 (inclusive of the President).

*Note 1.—The other member will be one of the elected Legislative Council members. If the Reform Scheme is introduced there will be two *ex-officio* members, and the number of nominated official members might in that case be reduced by one.

† Note 2.—Separate electorates can be formed for representation of these communities and interests.

STATEMENT II.

Urban and Rural Constituencies.

Summary of Revised Proposals.

Division.	Constituency.	Number of members	
Jubbulpore	General Urban	1	
	Jubbulpore Urban	1	
	Jubbulpore Rural 1 (Jubbulpore and Patan Tahsil)	1	
	Jubbulpore Rural 2 (remainder of district)	1	
	Damoh Rural	1	
	Saugor Rural 1 (Saugor Tahsil)	1	
	Saugor Rural 2 (remainder of district)	1	
	Seoni Rural	1	
			8
Chhattisgarh	General Urban	1	
	Raipur Rural 1 (Raipur and Baloda Bazar Tahsils)	1	
	Raipur Rural 2 (Dhamtari and Mahasamund Tahsils)	1	
	Bilaspur Rural	1	
	Drug Rural	1	
			5
Nerbudda	General Urban	1	
	Hoshangabad Rural 1 (Hoshangabad and Sohagpur Tahsils)	1	
	Hoshangabad Rural 2 (Harda and Seoni-Malwa Tahsils)	1	
	Nimar Rural	1	
	Narsinghpur Rural 1 (Narsinghpur Tahsil)	1	
	Narsinghpur Rural 2 (Gadarwara Tahsil)	1	
	Chhindwara Rural	1	
	Betul Rural	1	
			8
Nagpur	General Urban	1	
	Nagpur and Kamptee Urban	2	
	Nagpur Rural 1 (Nagpur Tahsil)	1	
	Nagpur Rural 2 (Umrer and Ramtek Tahsils)	1	
	Nagpur Rural 3 (Katol and Saoner Tahsils)	1	
	Wardha Rural 1 (Wardha Tahsil)	1	
	Wardha Rural 2 (remainder of district)	1	
	Chanda Rural	1	
	Bhandara Rural 1 (Bhandara Tahsil)	1	
	Bhandara Rural 2 (remainder of district)	1	
	Balaghat Rural	1	
			12
Berar	Amraoti, Ellichpur and Yeotmal Urban	1	
	Akola, Akot, Murtizapur, Karanja and Basim Urban	1	
	Buldana, Malkapur, Khamgaon and Shegaon Urban	1	
	Amraoti Rural 1 (Amraoti taluq)	1	
	Amraoti Rural 2 (Chandur and Morsi taluqs)	1	
	Amraoti Rural 3 (Ellichpur and Daryapur taluks)	1	
	Akola Rural 1 (Akola and Murtizapur taluqs)	1	
	Akola Rural 2 (Balapur and Akot taluqs)	1	
	Akola Rural 3 (Mangrul and Basim taluqs)	1	
	Buldana Rural 1 (Chikhli, Mehkar and Khamgaon taluqs)	1	
	Buldana Rural 2 (Malkapur and Jalgaon taluqs)	1	
	Yeotmal Rural 1 (Yeotmal, Kelapur and Wun taluqs)	1	
	Yeotmal Rural 2 (Darwha and Pusad taluqs)	1	
			13
	Grand Total		46

STATEMENT III.

Prepared at the request of the Franchise Committee exhibiting the manner in which seven Muhammadan electorates (calculated at 15 per cent. on approximately 50 Indian elected seats) can be framed if it is decided to introduce communal representation for Muhammadans into the Central Provinces and Berar.

		Members.
Central Provinces	Jubbulpore division	1
	Nagpur division	1
	Nerbudda division	1
	Chhattisgarh division	1
Berar	Berar Urban	1
	East Berar	1
	West Berar	1
	TOTAL	7

VIII.—ASSAM.

PAGE

(1) Extract, paragraphs 4, 5, 16 to 25 and 45, of a note on Indian Constitutional Reforms by the Chief Commissioner of Assam, together with an additional note on the electorates proposed for Assam 267

(2) Note of a discussion with the Chief Commissioner of Assam, held at Calcutta on the 19th December 1918 276

(3) Letter No. 135-T., dated the 8th February 1919, from the Chief Secretary to the Chief Commissioner of Assam to the Secretary to the Franchise Committee, containing the proposals of the Local Administration as revised after discussion with the Franchise Committee . . . 278

(1) Extract, paragraphs 4, 5, 16 to 25 and 45, of a note on Indian Constitutional Reforms by the Chief Commissioner of Assam, together with an additional note on the electorates proposed for Assam.

* * * * * * *

4. The first point for consideration is that raised in paragraphs 198-199 of the report, namely, whether it is wise to include the whole of Assam within the scope of any scheme of constitutional reform ; and, if not, what part should be included and what excluded. Much of course depends upon the nature of the scheme which may ultimately be standardised, but it may at once be granted that if in any province there are tracts which have hitherto been excluded from all constitutional experiments, and have hitherto been governed upon purely paternal principles, these tracts should either be excluded completely from the present scheme, or at least should be included subject to adequate safeguards and reservations. It has been suggested in paragraph 199 of the report that the " schedules " of the Scheduled Districts Act might form the criterion for exclusion from the scheme. I do not propose to apply this criterion to Assam, as the whole of the province has been " scheduled." Such a solution would mean that Assam, although nominally included in the scheme, was totally excluded, which is of course unthinkable. The component parts of the province must therefore be examined without reference to the Scheduled Districts Act. From such an examination we find at once that we are confronted with a problem of much difficulty and complexity. In shape and position Assam consists of an inverted triangle with its base along the north and its apex pointing south. Bengal lies on the west, Burma on the east, while along the north are Bhutias, Akahs, Daphlas, Miris, Abors and Mishmis. The whole area of the province is about 77,500 square miles and the population at last census about 7 millions. As might be expected, every diversity of race and language is found. Aryans, Mongolians and Dravidians are found in bewildering confusion. As many as 43 different languages are spoken in the province, and if we exclude those which are spoken by less than 10,000 people we have still 32 languages, each spoken by a large section of the inhabitants. Looked at from a political point of view, this province (like Gaul) is divided into three parts. The first part consists of :—

The Garo Hills,
The Khasi and Jaintia Hills,
The Mikir Hills (in Nowgong and Sibsagar),
The North Cachar Hills (in Cachar),
The Naga Hills, with outlying tracts,
The North-East Frontier Tract, in two parts,
The Native State of Manipur,
The Lushai Hills.

This part covers nearly two-thirds of the whole province—in other words 50,500 square miles out of 77,500. Its population is roughly one million, consisting of simple hill tribes governed in patriarchal fashion. With the exception of Shillong Municipality, which joins with some other municipalities in electing a member, this vast tract is entirely unrepresented in the present Legislative Council.

The second part of the province consists of the following districts lying along the river Brahmaputra :—

Goalpara,
Kamrup,
Darrang,
Nowgong (the remainder),
Sibsagar (the remainder),
Lakhimpur.

This part, known as the Assam Valley, covers about 20,000 square miles and has a population of about 3 millions. In this part the prevailing religions are Hinduism and Animism, and the prevailing language is Assamese. The Assam Valley elects four Indian members to the present Legislative Council, including one representative of the Muhammadan minority.

The third part of the province, separated from the second part by ranges of hills, consists of a small but densely populated tract known as the Surma Valley.

The districts in this part are Sylhet and Cachar (Sadr and Hailakandi sub-divisions). The area is much smaller than the Assam Valley, being only 7,000 square miles. The population is, however, practically the same, namely, 3 millions. The Muhammadans form a slight majority. The Surma Valley like the Assam Valley elects four Indian members to the present Legislative Council. Of these members, two are Hindus and two are Muhammadans. Of the latter, one represents the Local Boards, while the other represents the communal electorate.

In both Valleys there are numerous tea gardens. They cover an area of 2,000 square miles and give employment to half a million Indians. The Tea Industry has three representatives in the present Legislative Council.

5. The map* which I annex to this note gives a vivid picture of the province. The large area coloured red indicates the Hill tracts which are as yet unrepresented in the Legislative Council. The two smaller areas coloured white indicate respectively the Assam Valley and the Surma Valley which each elect four Indian members and, between them, three British members. It will be readily admitted that owing to the peculiar conditions of this province much could have been said for treating Assam like Burma, in other words for postponing the operation of the new scheme until the experiment had been tested elsewhere. Much could also have been said for treating Assam somewhat on the lines of the North-West Frontier Province. For example, our Legislative Council (although enlarged and reformed) might have retained for the present its existing constitutional functions, while the only change in the executive administration might have been the association with the Chief Commissioner of an advisory council, constituted on a liberal basis. I have carefully considered both these proposals and have come to the conclusion that, whatever be their intrinsic merits, they are no longer within the sphere of practical politics. As Assam has been included in the Report along with the seven major provinces of India, Assam must stand or fall along with them. The future constitution of Assam must follow the general lines of the constitutions of the other seven provinces, although I hope I have already written enough to show that the constitution of Assam cannot be identical with those of its richer, more populous and more homogeneous neighbours. In particular, the existence of 50,000 square miles of patriarchal tracts constitutes a distinct problem which must be faced. How are we to treat the area coloured red? To frame electorates for this area and to include it in the general scheme is out of the question. It is true that the standard of education in the Khasi and Jaintia Hills is comparatively high, but the people have as yet shown no desire for political union either with the Assam Valley or with the Surma Valley, and moreover a very large proportion of them are subjects of Indian chiefs (Siems). The inhabitants of the other Hill tracts are obviously unsuited for full inclusion in the scheme. On the other hand, there are cogent arguments against complete exclusion of the "red" tract. In the first place the present Legislative Council has power to legislate for the "red" tract and has, to a limited extent, exercised that power. There is no real danger in the existence of this legislative power. It is laid down in section 14 of the Assam General Clauses Act, 1915, that "unless and until extended under the Scheduled Districts Act, or otherwise, no Act of the Assam Council, in the absence of special provisions to the contrary, shall come into force" in the Hill tracts. An additional safeguard exists in Regulation 2 of 1880 which empowers the Chief Commissioner, with the previous sanction of the Governor General in Council, to direct that any enactment in force in the Hill tracts "shall cease to be in force therein." So far as legislation is concerned there is therefore no real danger if the new Legislative Council, like the present Legislative Council, has nominal power to make laws for the Hill tracts. On the other hand, it makes for simplicity that the Legislative Council should have such power. There is however a more practical point. It will be seen from the accompanying table* that the hills are, to a considerable extent, financed from the plains. If the hills are to be altogether excluded from the new scheme it will be necessary to arrange that the plains are to pay an annual tribute towards the administration of the hills, just as they are to pay an annual tribute to the Government of India. There are obvious practical objections to such a system. Moreover, if the plains are to supply funds for the administration of the hills it is equitable that the representatives of the plains should not be deprived of all

* Not reproduced in this Appendix.

voice in the spending of their money. At present the representatives of the plains can and do ask questions regarding the administration of the hills. They can and do discuss expenditure in the hills on the occasion of the budget debate. To deprive them of these privileges would be a step which it would be hard to justify. Seeing, then, that it is not proposed to make over to the portfolio of a "minister" any matter connected with the hills, and that, whatever may be said in debate or embodied in resolution, the Governor in the future administration will be able to ensure that the hills are sympathetically administered and adequately financed, I have come to the conclusion that the whole of the province as at present constituted can safely be placed under the new administration of a "Governor in Council."

* * * * * * *

16. I now turn to the question of the provincial legislature. I entirely agree that the present system of indirect election is radically bad and, that the Council should be reformed and enlarged. At present it consists of 24 members :—

Elected by Indians	8	11
" " Tea Associations	3	
Nominated officials	9	13
" non-officials	4	
TOTAL	24	

I propose that the future Council should consist of 50 members, made up as follows :—

Elected by Indians	30	40
" " Britons	10	
Nominated officials	5	10
" non-officials	5	
TOTAL	50	

In addition to these 50 members the Governor and the two official members of his Executive Council would be *ex-officio* members of the Legislative Council. The two ministers would already be elected members, while the two "additional members" of the Executive Council would (if not already elected members) be among the nominated non-officials on the Legislative Council. Room should also be left for the appointment, as occasion requires, of two temporary "expert" members.

17. As regards the franchise for the Indian constituencies, I would refer to a separate note which I have caused to be prepared. Here I need only say that there are approximately 600,000 households in each Valley. I should like to enfranchise the heads of all these 600,000 households, and I look forward to the time when this will come. For the present, in order to bring the electoral roll into practical dimensions, I propose to confine the franchise to approximately one-fourth of the heads of households. To secure this I would lay down that a family income of Rs. 250 per annum, whether from land or from any other source, entitles the head of the family to a place on the electoral roll. The preparation of the electoral roll presents no practical difficulty. Lists of households, with the name of the head of each house, will be prepared in 1919-20 in connexion with the census of 1921. For the purpose of the census each of these lists will be supervised by a responsible officer. I propose that this officer should receive from the Deputy Commissioner an instrument of instructions, based on the local conditions of his circle, which will enable him without real difficulty to prepare a provisional electoral roll *pari passu* with his supervision of the census papers. The provisional roll will be published for criticism, and after the hearing of objections will be finally framed. I anticipate that objections will be comparatively few. Assuming that my estimate is correct and that the standard of Rs. 250 produces a roll of one-fourth of the heads of households, we shall obtain approximately 150,000 voters in each Valley. These will be divided into 15 suitable constituencies of about 10,000 each. It may be thought that 10,000 voters are too many to be managed. It is not, however, necessary that all the elections should be held on the same day, and it can easily be arranged that the poll shall remain open for three days or even a week. In a typical constituency of 10,000 voters it will probably be sufficient to open 5 polling stations, each in charge of

a Sub-Deputy Collector. It is not likely that more than 7,500 voters will come to the poll. Each Sub-Deputy Collector will therefore have to deal with 1,500 voters. I have personally presided at Municipal and Local-Board elections and I know that a presiding officer can deal with 500 voters in a day. If therefore the poll remains open for three days, the Sub-Deputy Collector will easily get through his work. If the poll remains open for a week, the task will be further simplified. I have only to add that as I have 65 Sub-Deputy Collectors in the province I would guarantee to complete all the elections within a month.

18. It will be seen from what I have written above that I propose to sweep away all "fancy franchises" and to proceed upon broad and democratic lines. A long experience of the villagers in their own homes has convinced me that their political instinct is quite as sound as that of the richer and more literate classes. I have recently been reading the history of England in 1867. Time has shown that true wisdom was found in the "Tea Room Party" rather than in Mr. Gladstone and Mr. Bright. Like Lord Derby I am prepared to take a "Leap in the Dark" and I have no fear of the consequences—provided that my recommendations are accepted in the matter of communal representation.

19. It will be seen from the annexed note that I have not proposed to give separate members to municipalities. This is not a question on which I have strong views, but as no municipality in Assam has a population of 15,000 I prefer on the whole that the municipalities should vote along with the surrounding country. In any case Shillong Municipality must be somewhat of a problem. I suggest that it should be amalgamated with North Sylhet, which also includes the important town of Sylhet.

20. I have carefully considered the difficult question of communal representation. The principle has already been conceded in the case of the Muhammadans and of the Sikhs and I can see no reason why it should be refused in the case of other communities which have distinct interests and which, in the absence of communal representation, have no reasonable chance of adequate representation. To my mind it is immaterial whether the community concerned is, or is not, in a numerical majority in the area under consideration. The real questions are these:—*First*—Is the community one in regard to which it is desirable for political reasons that they should *now* be represented on the Council by spokesmen of their own race and religion? *Secondly*—Has the community any real chance of being *now* so represented in the absence of a communal electorate? If the answer to the first question is "Yes" and the answer to the second question is "No," then I would brush aside all theoretical considerations, look the situation straight in the face, and grant a communal electorate. I have frequently disagreed with my late colleague Mr. P. C. Lyon, and on no question have we disagreed more completely than on the question of constitutional reform, but I desire to express my fullest concurrence with his letter to the "Times," dated the 8th August 1918. After discussing the question of communal representation he concludes as follows:—

> "The supporters of the new scheme who have had experience of the working of Legislative Councils in India ask for communal representation because they agree with its opponents that it is most important that Indians should learn to work together without consideration of class. It is by using it now to bring all parties together to share alike in public service and responsibility that we shall gradually persuade India that she can do without it."

So far as Indians generally are concerned I am content to leave the case as stated by Mr. Lyon. So far as British non-officials are concerned I shall state the case in my own way.

21. In view of the recommendations in the Report it is almost unnecessary that I should put forward any argument on behalf of communal representation for the Muhammadans of the province. Here, as elsewhere, they are a peculiar people with peculiar interests, and it will be many centuries before they will amalgamate politically with their Hindu or Animist neighbours. They are in a slight majority in the Surma Valley, but in a hopeless minority in the Assam Valley. Taking the two Valleys together they amount to one-third of the population, and I therefore propose to give them 10 members out of 30. If the Muhammadans have an electorate of their own, they should have no voice in the election of the remaining Indian members.

22. I have carefully considered the case of the Indian Christians, the Animists, the lower caste Hindus, and the Ahoms. If the Indian Christians had been of sufficient numbers, I might have recommended them for a separate electorate. It is true that in occupation and mode of life they do not differ widely from their Hindu neighbours, but in many ways they are a distinct community with peculiar interests and peculiar claims. Seeing however that in the plains of the province they number only 23,000 as against my standard of 200,000 for an Indian electorate, I have regretfully decided that I cannot recommend them for a separate electorate. As regards the so-called Animists, their number in the plains is about half-a-million, but they are far from homogeneous and are often difficult to distinguish from other branches of the same Mongolian stock who claim to have entered the fold of Hinduism. As the nominal Hindus of Assam are to a great extent non-Aryans who have gradually become "converted" I see no valid reason for giving separate electorates to those who have, and to those who have not crossed the rather shadowy border-line. As regards the lower caste Hindus, such as the Kaibartas (131,000) or the Namasudras (173,000) or the Patnis (111,000), the conditions in this province are fortunately different from those in Madras. I need only mention one luminous fact. The Hon'ble Babu Radha Binod Das who now sits as member for a mixed constituency in the Assam Legislative Council is a Kaibarta by caste. He has submitted an interesting note on the Report and has not even mentioned the subject of communal electorates. In the circumstances I do not propose to press for a communal electorate for the lower classes of Hindus in Assam. Lastly, I would invite attention to the claim which has been put forward by the Ahom community for a special electorate. This community numbers 197,000. It is one of the many Mongolian races which have entered Assam from the north or the west, have conquered the previous settlers, and have enjoyed a period of political ascendency. Like most of its predecessors, this race has now assumed Hindu names and affected Hindu customs. The length of the Ahom ascendency (600 years) and the comparatively recent date of its fall (less than 100 years ago) constitute some claim to special treatment, but, on the whole, especially in view of the formal embracement of Hinduism, I am not prepared to urge the Ahom claim or to distinguish it from that of the Rajbansis and Kacharis. Rai Sahib Padma Nath Gohain Baruah will however appear before the Committee and will argue the case for his community.

23. It has been stated in paragraph 232 of the report that "where the great landholders form a distinct class in any province, we think that there will be a case for giving them an electorate of their own." The talukdars of Oudh were no doubt in the mind of the authors of the report. I have carefully considered whether I can honestly recommend either that the permanently-settled mirasdars of Sylhet, or that the zamindar-families of Goalpara should be granted a separate electorate. I have come to the conclusion that neither claim can be established. If the zamindars of Goalpara had been more numerous, their case would have been strong, but I can hardly suggest that a separate electorate should be constituted from the representatives of seven families—Bijni, Sidli, Gouripur, Mechpara, Chapar, Parbatjoar and Karaibari. I have proposed that the district of Goalpara should elect two Hindu members to the Legislative Council. I cannot see why one of the great zamindars should not stand and be elected. But, even if they fail to enter the Council by election, I would certainly make a point of nominating one of them to the Council whenever an important Bill connected with the district is about to be discussed. At the present moment a member of the Mechpara family, a barrister by profession, is a nominated member of Council.

As regards the mirasdars of Sylhet, there are a few large proprietors in the district, but the great majority are merely cultivators who enjoy a permanent settlement. They will be amply represented by the 12 members who have been assigned to the district.

24. I now turn to the case of the British non-officials. To speak freely, I consider that the main defect of the report is its inadequate recognition of the position of the non-official British community. It was as merchants and planters that the British came to India and it is essentially as merchants and planters that we are still here. The official British element is ancillary in function and accidental in form; the non-official British element is permanent and vital. So long as the Government remained bureaucratic in character the non-official Briton

was content in the main to go on with his work of trade or cultivation and to leave the business of government to those members of his race who had taken up that business as their profession. But now that the whole character of the administration is to be changed the non-official Briton is entitled to demand that both in the Legislative and in the Executive he shall be placed in such a position that his past history will never be forgotten or his present interests overlooked. He is not a bird of passage and he cannot be so treated. Whatever may be said to the contrary he is "an integral part of the population of India." British families and British firms have been in India for generations and (unless they are deserted by the British officials in whom they have trusted) will remain here for many generations more. Some of the community are technically known as domiciled Anglo-Indians, others intend to spend the last few years of their lives in the home country. Some again are of pure European descent, others have a mixture of Asiatic blood. But the whole community is bound together by ties of origin, of religion and of common interest. We, the Government officials, are in a position of trust. Whatever constitution we now frame must be a constitution in which the other members of our own community can feel that they are safe—that their property is safe, that their lives are safe and (what really matters) that the lives of their women and children are safe. I am convinced that the great body of Indians, high and low, desire the permanent presence of the British community, both official and non-official. But nothing can be gained by pretending that things which have happened did not actually happen; or that things which are now happening are not actually happening. The British community remembers 1857 and there is no reason why it should forget it. Moreover, it has studied the report of the Rowlatt Committee and it knows that a dangerous conspiracy, aimed at the expulsion or extermination of the British community, has ramifications in every province in India. No wonder that the British community demands that the new constitution shall contain real safeguards for its existence. It is true that the scheme as put forward contains many ingenious devices, specially designed for its protection. But the more thoughtful members of the British community have already come to the deliberate opinion—an opinion based on the political training of the British race—that the only real safeguard is the constitution of a separate British electorate which shall send to the Legislative Council such number of British representatives as shall make their presence felt; and as a necessary corollary that on the Executive Council of the Governor there shall be at least one representative of the non-official British community. With these views I am in whole-hearted sympathy.

25. What I have written above refers to India generally. The case for the non-official Briton is peculiarly strong in Assam. As I have already noted, there are 2,000 square miles of tea gardens in the province. The British community scattered through the two valleys and the hills numbered at last census 2,725 men and women. The non-official British community of Assam has taken a leading part in the work of local self-government throughout the province and it has now four members on the Legislative Council. Three of these are elected by the planting associations and one is a nominated member representing the mining interest. In an earlier part of this note I have already proposed that there should be a non-official Briton upon the Executive Council of the Governor. I now propose that there should be a communal electorate for the British community based on manhood and womanhood suffrage and that this electorate should send ten members to the Legislative Council, six from the Assam Valley and four from the Surma Valley. I regard this as the irreducible minimum for the safety of the British community. I have not proposed that the Tea Associations, as such, should elect members. I prefer that Britons, as Britons, should be the electors. As the tea interest preponderates in both Valleys it is practically certain that the leading members of the Tea Associations will be elected to the Legislative Council. Should this not happen, recourse will be had to nomination.

* * * * * * *

45. I agree (paragraphs 273-274) that the Indian Legislative Council should be reformed and enlarged. In a Council of 100, I would have 80 elected and 20 nominated; but I regard it as essential that among the 80 elected members at least 20 should represent the non-official British (and Anglo-Indian) community. Muhammadans, Sikhs, non-Brahmans, and Indian Christians should also be adequately represented. There should be no difficulty in providing direct

electorates in the case of the British and Anglo-Indian communities. I have recommended manhood and womanhood suffrage for the British electorate for the Assam Legislative Council. I would recommend a similar suffrage, with a minimum age of 45, in the case of the British electorate for the Indian Legislative Council. The constituency will thus be limited to voters of ripe experience. In the case also of Indian Christians it will perhaps be possible to arrange a direct electorate, but I agree that, generally speaking, we are almost compelled to resort to indirect election and that the non-official members of the Provincial Councils provide perhaps the most suitable field. I strongly urge that Assam should elect at least three members, one Hindu, one Muhammadan, and one Briton.

APPENDIX II.

Additional Note on the electorates proposed for Assam.

1. In the main note I have explained the general plan on which I recommend that the electorates should be framed. The basis of my plan is the census "house," which is thus defined :—

> "A house consists of the buildings, one or many, inhabited by one family ; that is, by a number of persons living and eating together in one mess, with their resident dependents, such as mother, widowed sisters, younger brothers, etc., and their servants who reside in the house. In other words the unit is the commensal family, known in some districts as the *khana*, and not the homestead or enclosure."

This conception of a house is familiar to the people, and the census has made it still more familiar. Further, each house has a recognised head commonly known as the *Karta*. My goal is the enfranchisement of all the *Kartas*, approximately 600,000 in each Valley ; but for the present I must be content to take about one-quarter of this number, say 150,000 in each Valley. My predecessor proposed to bring the numbers into reasonable dimensions by a somewhat elaborate franchise, based on alternative qualifications. In raiyatwari areas he proposed that payment of Rs. 20 as land revenue should be the standard. In zamindari areas he proposed that the payment of a certain sum as chaukidari rate should be the standard—Re. 1-5 in Sylhet and Re. 1-12 in Goalpara. The payment of income-tax, the enjoyment of a salary of Rs. 50 per month, or a pension of Rs 25 per month, the possession of a title or decoration, and the attainment of a certain standard of education, were also to be qualifications. I determined, if possible, to get rid of all fancy franchises, and I went for light and guidance to the late Major Jack's remarkable little book "The Economic Life of a Bengal District" He has shown on the basis of house-to-house enquiries and the tabulation of most elaborate statistics that 49 per cent. (say one-half) of the agricultural households in Faridpur are in a state of "comfort" and have an average income of Rs. 360 per annum. As this is an average figure, about one-half of those "comfortable" households may be assumed to have an income of Rs. 360 and upwards, while the other half have an income of something under Rs. 360. In other words if a line be drawn at Rs. 360, about one-quarter of all the households in the district will fall on or above the line, while three-quarters will fall below the line. It is obvious that if we were dealing with Faridpur and were in search of an electorate embracing the "comfortable quarter" of the households no better criterion could be obtained than the tables of Major Jack. I have carefully considered whether it is possible to apply a similar criterion to Assam. From my personal knowledge of Faridpur and my personal knowledge of Assam, I am convinced that the answer is in the affirmative. Seeing, however, that jute is less prevalent in Assam than in Bengal, I would fix the criterion in Assam—subject to exceptions in poorer constituencies—at Rs. 250 per annum. This criterion should apply to all classes of the population, agricultural or otherwise. In particular the labourers on tea gardens should not be excluded. In their case each "separate doorway" in the coolie lines is classed as a "house." In a coolie family the men, the younger women, and the older children, all work. It is therefore by no means uncommon to find that a coolie family, using a separate doorway in the lines, has a joint annual income of Rs. 250. The head of such a family should not be placed in a worse position than the head of any other family, agricultural or industrial. I have already mentioned that there are half-a-million actual workers on the tea gardens. If workers and non-workers be reckoned, and if we add the population which came to Assam as labourers and afterwards settled down as independent cultivators, it may safely be estimated that 1½ millions—say one-quarter of the population of the plains—are either labourers or ex-labourers in tea gardens. Moreover, there is no section of the population which is more vitally interested in legislation, past, present, and future. I am therefore persuaded, and I feel sure that the British non-officials will agree, that the respectable families in the coolie lines should be placed on an electoral equality with the respectable families in the villages.

2. As explained in the main note, I propose that the electoral rolls should be prepared as a "by-product" of the forthcoming census. I readily admit that it will be impossible for the supervising staff of the Census to devote the same meticulous care to the calculation

of family incomes as was devoted by Major Jack's trained staff in Faridpur. But it will be quite possible for each Deputy Commissioner to issue such instructions as will secure the desired object—the earmarking of the most comfortable quarter of the household. The statutory rules should be as simple as possible, but their working should be as elastic as possible. In each district it should be left to the Deputy Commissioner, subject to the control and advice of the Commissioner, to lay down tests in accordance with which the families of each constituency should be "deemed to possess" the necessary income. For example the test in one place might be the cultivation of 5 acres of land; in another the payment of Rs. 15 as land revenue; in another the payment of Rs. 20 as rent to a landlord; in yet another the payment of Re. 1-8 as chaukidari tax. My point is that none of these working tests should be embodied in the statutory rules. They should be left to the discretion of the local officers.

3. Some of my officers have represented that in certain parts of the province the general criterion of Rs. 250 per annum is too high and will not produce the necessary "quarter." I can well believe that this is so. I therefore propose that even in the statutory rules there should be an element of elasticity. The criterion might be "an annual income of Rs. 250, or in the poorer constituencies such smaller sum as the Chief Commissioner may direct."

4. An alternative method of reducing the electorate to reasonable dimensions would be to fix a high minimum of age. For example, it might be laid down that the head of every household is entitled to the franchise provided that his age is 50 years. This would probably give the desired result. I admit that this scheme is attractive. It is simple, democratic and impartial; and it secures that in the initial elections the franchise is confined to the wiser and older members of the population. Moreover, the scheme can be justified by the precedent of woman-suffrage in Great Britain. The number of women-voters has been reduced, at least during the first stages of the experiment, by the simple expedient of fixing the minimum age at 35 years. As far as I am aware, all Indians who have discussed the problem of their electorates have assumed that the only possible criterion is property, or taxation, or education. Certainly the simple criterion of age had not occurred to any Indian of my acquaintance until I specifically suggested it to him. I found that the suggestion was generally received as one well worthy of consideration. For the present I only mention it as a possible, and attractive, alternative to the scheme which I propose.

5. What I have written in the last paragraph reminds me that there is one point, relevant both to my main scheme and to my alternative scheme, which should not pass unnoticed. I refer to the question of votes for women. Personally I think that when the head of a duly qualified household happens to be a woman—in other words, when the *Karta* is in fact a *Kartri* or *Grihini*—that woman should be entitled to exercise the franchise. In the Valleys of Assam such cases will be comparatively rare, but, when the hill districts come to be included in the scheme, the matter will immediately assume great importance. Anyhow, this is a problem which may well be left to the decision of Indians themselves.

6. The accompanying table shows how I would frame the constituencies. In each Valley there will be 150,000 voters returning 15 members, while the racial division will be as follows :—

	Hindus.	Muhammadans.
Surma Valley	7	8
Assam ,, ...	13	2
TOTAL .	20	10

As the Hindu voters (203,000) are to the Muhammadan voters (97,000) in the ratio of two to one, so also the distribution of seats has been made in the same ratio. The table, I hope, is practically self-explanatory, but I add a few notes to make it quite clear :—

(*a*) The expression Hindu, for the reasons given in the main note, includes not only Hindus of all castes, but also Animists, Ahoms, and Indian Christians. "Non-Muslim Indians" would have been a more accurate, though less convenient, description.

(*b*) The North Cachar Hills have been excluded from Cachar, and the Mikir Hills from Nowgong and Sibsagar.

(*c*) As far as possible integral districts or integral subdivisions have been taken as the electoral units. The exceptions are indicated by the absence of the words "district" or "sub-division" in column 2 or column 5, as the case may be. For example, the Hindu constituencies of Cachar are called Sadar and Hailakandi, not Sadar Sub-division and Hailakandi Sub-division. This is because it has been found necessary to transfer the Katigora Tahsil, for electoral purposes only, from the Sadar to Hailakandi. Even after this transfer the Hailakandi electorate is rather small: without the transfer the disparity would have been still more marked. Minor transfers of a somewhat similar nature were found necessary in the Hindu constituencies of Goalpara, Kamrup and Lakhimpur, while two of the Sub divisions of Sylhet, Sadar and Habiganj, were found capable of sending two Muhammadan members each. Generally speaking, however, the ordinary administrative units have been adopted for the purpose of constituencies.

(*d*) The percentages of literacy (columns 4 and 7) are approximate figures. It has been assumed that the standard of literacy among the heads of the "comfortable" households of a particular community is approximately three times as great as the general standard of literacy among adult males in the same community of the district in question.

(*e*) No attempt has been made to estimate the distribution of wealth among the different classes of the electorates. The towns, as already noted, are small and unimportant. They contain some professional men, some clerks and some shopkeepers; but broadly speaking the electorates will be made up of cultivators and garden coolies. In neither of these categories is there any marked difference in the distribution of income between the various races. So far as cultivators are concerned, the various races obtain approximately similar incomes, but the Muhammadans are generally more improvident than the Hindus, and the Animists more improvident than either. The coolies as a class, being drawn from the lower strata throughout India, are seldom inclined to frugality or excessive sobriety.

Proposed Electorates.

District (with total population Hindu and Muhammadan)		HINDU			MUHAMMADAN		
		Constituency.	Estimated		Constituency.	Estimated	
			Number of voters	Percentage of literacy		Number of voters	Percentage of literacy.
1		2	3	4	5	6	7
CACHAR.							
Hindu	314,000	Sadar	10,000	47	Whole district	7,000	34
Muhammadan	156,000	Hailakandi	6,000	47			
TOTAL	470,000						
SYLHET.							
Hindu	1,108,000	Sadar Subdivision	10,000	60	North Sadar	8,000	22
Muhammadan	1,365,000	Sunamganj Subdivision	10,000	60	South Sadar	10,000	22
		Habiganj Subdivision	13,000	60	Sunamganj Subdivision	14,000	22
TOTAL	2,473,000	South Sylhet Subdivision.	12,000	60	North Habiganj	8,000	22
					South Habiganj	9,000	22
		Karimganj Subdivision	12,000	60	South Sylhet Subdivision	9,000	22
					Karimganj Subdivision	12,000	22
TOTAL SURMA VALLEY		7 Hindu Constituencies	*73,000*		8 Muhammadan Constituencies	*77,000*	..
GOALPARA							
Hindu	398,000	Dhubri	11,000	38	Whole district	12,000	21
Muhammadan	212,000	Goalpara	8,000	38			
TOTAL	610,000						
KAMRUP.							
Hindu	603,000	East Gauhati	9,000	44			
Muhammadan	65,000	West Gauhati	9,000	44			
		Barpeta	12,000	40			
TOTAL	668,000						
					Upper Assam Valley	8,000	40
DARRANG.							
Hindu	357,000	Tezpur Subdivision	10,000	24			
Muhammadan	20,000	Mangaldai Subdivision	8,000	24			
TOTAL	377,000						

Proposed Electorates—contd.

District (with total population, Hindu and Muhammadan)	HINDU.			MUHAMMADAN.		
	Constituency	ESTIMATED.		Constituency.	ESTIMATED.	
		Number of voters.	Percentage of literacy		Number of voters.	Percentage of literacy.
1	2	3	4	5	6	7
NOWGONG						
Hindu . . 232,000	Whole district . .	11,000	39			
Muhammadan 16,000						
TOTAL . 248,000						
SIBSAGAR.						
Hindu . . . 537,000	Jorhat Subdivision .	12,000	35	Upper Assam Valley (*continued*).		
Muhammadan . . 30,000	Sibsagar Subdivision .	11,000	35			
TOTAL . 567,000	Golaghat Subdivision .	8,000	35			
LAKHIMPUR.						
Hindu . . . 456,000	Dibrugarh . . .	12,000	30			
Muhammadan . . 18,000	North Lakhimpur. .	9,000	30			
TOTAL . 469,000						
TOTAL ASSAM VALLEY .	18 Hindu Constituencies	*130,000*		2 Muhammadan Constituencies.	*20,000*	..
TOTAL BOTH VALLEYS .	20 Hindu Constituencies	203,000		10 Muhammadan Constituencies.	97,000	

(2) Note of a discussion with the Chief Commissioner of Assam, held at Calcutta on the 19th December 1918.

The Franchise Committee met the Chief Commissioner of Assam (The Hon'ble Mr. N. D. Beatson Bell, C.S.I., C.I.E., I.C.S.) to discuss the following questions :—

1. Is it desirable to provide any representation by nomination for the excluded tracts, and, if so, what ?

The Chief Commissioner said that it was for the Government of India to decide whether these tracts should be administered by the Governor or by the Governor in Council. In the former case he would not give them any representation in the Council. In the latter case he would leave it optional for the Chief Commissioner to nominate a representative ; one was better than nothing, but to give the representation to all the tribes concerned would require at least 15 members.

2. In view of the difficulties of a franchise based on households with an income qualification, would it not be preferable to base the franchise on individuals with a property qualification, viz. :—

(*a*) *payment of revenue in temporarily settled tracts ;*
(*b*) *payment of chaukidari tax (or cess in permanently settled tracts) ;*
(*c*) *payment of municipal tax in municipal areas ;*
(*d*) *payment of income-tax.*

The Chief Commissioner thought that there would be no difficulty in preparing a roll on the lines originally suggested by him, but in order to meet the Committee he would be prepared to give the franchise to individuals, including heads of joint families, on a property qualification. He wished to know in the first place whether his proposal for 300,000 electors was accepted.

Lord Southborough said that this was so.

The Chief Commissioner said that it was impracticable to base the franchise on cess or local rate. He would prefer to arrange the four suggested qualifications as follows :—

Firstly, payment of chaukidari tax where the Chaukidari Act was in force, i.e., the districts of Cachar, Sylhet and Goalpara. Subject to further enquiries he thought that probably a payment of Re. 1 would be suitable in Sylhet and Cachar and 12 annas in Goalpara. The chaukidari tax was open to various objections as a basis for the franchise, but there was nothing better that could be substituted for it.

Secondly, the possession of the existing municipal franchise should be a qualification in municipal areas. There were at present 9,000 voters, or 8 per cent. of the municipal population.

Thirdly, where neither of the foregoing qualifications could be adopted, votes might be given on the basis of land revenue payment. To get a total electorate of 300,000, a payment of Rs. 10 would perhaps have to be fixed. Enquiries in one large district had shown that a payment of Rs. 20 would only include one per cent. of the population. He preferred the payment of chaukidari tax, where the Chaukidari Act was in force, to the payment of land revenue as the basis of the franchise in spite of the fact that the chaukidari assessment list was inadequate for the purpose, because of the difficulty of joint leases and duplicate leases in the land revenue records.

He would draft proposals on these lines so as to produce an electorate of approximately 300,000. This would dispose of all classes except workers in tea gardens. To include them, he proposed a fifth qualification for wage-earners drawing Rs. 20 a month in salary from employers who kept regular registers.

Lord Southborough said that this proposal practically handed over the duty of compiling the electoral roll to the employers of labour. Various other objections to the proposal were pointed out, and the eventual conclusion was that the Chief Commissioner should put any proposals he might wish to make on the subject in writing and forward them for the consideration of the Committee.

3. Apart from the property qualification, should there be an additional qualification based on education alone without any property qualification, e.g., non-student matriculates or graduates ?

The Chief Commissioner was altogether against a purely educational qualification. In his opinion uneducated men required a vote even more than educated men. Administrative capacity did not always go with literacy.

4. The question whether there should be any increase in the Muhammadan seats, particularly in the Assam Valley.

Mr. Aftab said that in all provinces where separate representation was given to the Muhammadans they had been allowed seats in excess of their numerical strength. The Muhammadans were in a minority in the Assam Valley. At the last Census they numbered 11 or 13 per cent. of the population and since then they had been immigrating in large numbers. In these circumstances he asked the Chief Commissioner whether in his opinion there would not be ground for increasing the representation of Muhammadans in the Assam Valley.

The Chief Commissioner was not in favour of the proposal. He considered that it was a mistake even from the Muhammadan point of view to give them representation in excess of their numerical proportion. Moreover, not all the immigrants into the Assam Valley were Muhammadans.

5. The question of separate representation for (1) planting and (2) mining interests in substitution of or in addition to European communal representation and the amount of such representation.

Although he greatly preferred his own scheme, the Chief Commissioner was prepared to accept the following as an alternative :—

(1) 5 representatives of the tea industry—3 from the Assam Valley and 2 from the Surma Valley ;
(2) 2 seats for other major industries ;
(3) 2 seats for a British communal electorate ;
(4) a member for the Shillong municipality, in which British candidates would have a good chance of election.

The Committee much preferred this system to that suggested in the [illegible] note and did not for the present wish to go into the question of numbers. The Chief Commissioner promised to send an estimate of the voting strength of the various electorates and a definition of the expression "other major industries." He would also report the number of European income-tax payers.

As regards the tea industry, Mr. Hailey pointed out that of the capital of £23 million a considerable portion was held by Indians and that there was a steady tendency for capital to be transferred from England to India.

6. The qualifications required for (a) voters, (b) candidates, apart from the property qualification, e.g., age, residence, British subject, etc.

The Chief Commissioner was in favour of a minimum age of 21 years for voters and 25 years for candidates, but he did not lay much stress upon the latter.

The candidate should as far as possible be a man from the constituency, but it would be difficult to make a rule which could not be evaded. With some reluctance, therefore, he was prepared to agree that candidates should be resident in the province. Nor would he insist on residence in the constituency in the case of voters.

Plural voting would be so difficult to stop that it was hardly worth prohibiting it.

He would like to reserve his opinion with regard to subjects of Indian States, the most important of whom in Assam would be the Marwaris.

7. The question of separate representation for municipal towns.

The Chief Commissioner was prepared to give a separate seat to Shillong. He had no strong feelings about the other towns, but they were so small that it would be better that they should go with their "hinterland." Shillong and Sylhet each had a population of about 15,000, but he thought that Shillong had extended more than Sylhet since the last census, and, as Shillong was situated in an excluded area, it would have no "hinterland." It was also the capital of the province. If he had any further ideas on this subject, he would let the Committee know.

8. The method of selection of Assam representatives on (a) the Indian Legislative Assembly and (b) the Council of State.

He accepted indirect election for both British and Indian members on the Assembly, the difficulty in the way of direct election being the size of the constituency. If, however, election was to be direct, he would exclude all voters below a certain age.

He had been unable to devise any satisfactory method of electing the six Muhammadan and commercial members to the Council of State, but it might be possible to form electoral colleges by amalgamating for instance the large Assam landholders with the similar class in Bengal.

---

(9) Letter No. 135-T., dated the 8th February 1919, from the Chief Secretary to the Chief Commissioner of Assam to the Secretary to the Franchise Committee, containing the proposals of the Local Administration as revised after discussion with the Franchise Committee.

I am directed to refer to the Chief Commissioner's informal discussion with the Franchise Committee, and to submit a revised scheme of electorates for Assam. In doing so I am to premise that Sir Nicholas Beatson Bell still prefers his original proposals and submits a revised scheme only in deference to the wishes of the Committee.

2. As to territorial constituencies the only change proposed is the exclusion of the Shillong Municipality from the North Sylhet electoral area, and its recognition as a separate constituency returning one member to be elected by all persons enjoying the Municipal franchise. At present the Municipal Commissioners of Shillong are all nominated. But it is proposed to introduce the elective system which obtains in other Municipalities in the province, as described in the note forwarded with my letter No. 1620-Wa, dated the 9th December 1918.

3. For the rest, the Hindu and Muhammadan constituencies will remain as before, 20 Hindu and 10 Muhammadan members being elected on a broad franchise which will be enjoyed by about 5 per cent. of the population. In Sylhet and Goalpara districts most of the land is held on permanent settlement, and there is no record of proprietors and their tenants which could form the basis of the electoral roll. The only universal criterion in the permanently settled area outside the towns is the chaukidari tax, which is levied under Bengal Act VI of 1870 on all owners and occupiers of houses in the villages, according to their circumstances and property, at rates ranging from half an anna to one rupee per month. In the temporarily settled portions of the said two districts, and in the district of Cachar, where also the Chaukidari Act is in force, it would be possible to base the franchise upon the payment of land revenue, but the Chief Commissioner considers it best to secure uniformity in each district by basing the franchise on the chaukidari tax throughout Sylhet, Cachar and Goalpara. He is of opinion that the amount of chaukidari tax, the payment of which gives the franchise, should be one rupee per annum. This may give a little less than 5 per cent. of the population in Sylhet and Cachar and a little more in Goalpara, but it appears to Sir Nicholas Beatson Bell that it would be difficult to justify the adoption of different standards in the three "chaukidari" districts, and it does not really matter much if a slightly larger proportion of the population is enfranchised in one or other of these districts.

4. Elsewhere in the province the bulk of the land is temporarily settled, and there is a complete record of settlement holders The incidence of land revenue necessarily varies a little from district to district and a standard of land revenue which will enfranchise five per cent. of the population in one district will yield a larger or smaller proportion in others. It is not very easy to ascertain what numbers pay over a certain sum as land revenue without a very elaborate compilation of the figures obtained by bringing together all the interests owned by each individual settlement holder in different estates, but on a review of all the information available, the Chief Commissioner thinks that a standard of Rs. 15 or more of annual land revenue will give approximately the number of electors required. He therefore proposes to adopt this figure as the standard. As in the case of chaukidari tax he prefers to take one standard for the province rather than to vary the standard according to the circumstances of different localities.

5. Even in the temporarily settled districts some land is held revenue free or at half rates, and to meet the case of persons owning such land the Chief Commissioner proposes to give the franchise to every person who pays a local rate of one rupee per annum, which is equivalent to a land revenue of Rs.16 per annum at full rates.

6. There is a good deal of subletting of land in Assam, but the record of tenants and their rents is not kept up to date, so it is not practicable to base any franchise on the payment of rent. The more substantial tenants usually hold some land direct from Government, while others may come in under one or other of the qualifications set out in the next paragraph.

7. Persons residing in tea gardens are not required to pay chaukidari tax, and if they hold land under the owners of the gardens, they pay no land revenue direct to Government. Therefore the land revenue and chaukidari tax qualifications would leave not only the whole labour force but also the clerks, overseers, and medical staff of the tea gardens, wholly unenfranchised. To meet this difficulty the Chief Commissioner proposes that every person who (*a*) pays income-tax, or (*b*) has an annual income of Rs. 250 in the form of salary, pension, or wages, shall have the franchise. The number of tax payers, other than European British subjects, who will vote separately is 3,362. It is difficult to estimate the number of persons on tea gardens who would be enfranchised by the possession of annual incomes of Rs. 250 or over. The estimates received give about 11,000. This is probably rather over than under the actual figure, but it may be taken as a provisional basis.

8. In his original scheme Sir Nicholas Beatson Bell proposed to amalgamate the municipal towns with the surrounding rural areas. He has since then further considered the relative advantages of such amalgamation and of the formation of separate municipal constituencies. There is a good deal to be said on either side, but on the whole he prefers his original plan, which he would modify only, as stated in para. 2 above, by allowing Shillong to elect one member to the

Council. Shillong is not only the seat of Government, but it is situated in the middle of an "excluded" area and has therefore no hinterland into which it can conveniently be merged. The population of Shillong is about 15,000. In municipal areas all persons having the municipal franchise should be entitled to vote at the council elections.

9. For the purpose of the Hindu and Muhammadan constituencies, every male person of the age of 21 years or over, who either possesses himself the necessary qualification for a vote, or is the head of a joint family which collectively possesses the necessary qualification, should enjoy the franchise.

10. A candidate for election to the Council should be resident in Assam, qualified as an elector in some constituency, and 25 years of age. The Chief Commissioner does not think it necessary to insist on his being an elector of the particular constituency for which he stands. Such a condition could easily be evaded.

11. There remain the difficult questions of the representation of trade, industry, and the British community. While in no whit resiling from his preference for an adequate communal representation of the British and Anglo-Indian communities as such, Sir Nicholas has endeavoured to devise an alternative method of securing the representation of the important interests for which they stand. He would in the first place assign five representatives to the tea industry, of whom 3 would be returned by the Assam Valley Branch of the Indian Tea Association and 2 by the Surma Valley Branch. The form of election would be such as commends itself to the 'Branches,' subject to the approval of the Local Government. Two seats would be assigned to other forms of industry, steam navigation, railways, mining, saw mills, and organised agriculture. The Chief Commissioner regrets that he has not yet been able to devise a satisfactory franchise for these two seats, but hopes shortly to meet some of the captains of industry in Assam and thresh out the problem with them. The local representatives of the industries concerned are strongly in favour of some system of election, rather than nomination, for filling these two seats. Two more seats would be assigned to the British and Anglo-Indian communities as such, one member being returned by all adult British and Anglo-Indian men and women living in the Assam Valley Division, and one by those living in the Surma Valley Division.

12. As regards the representation, by nomination or otherwise, of the "deregulationised" tracts, the Chief Commissioner has nothing to add to what he stated in the interview with the Committee.

13. Lastly, there is the question whether subjects of Native States should be allowed to vote. In this province a great part of the trade is in the hands of the Marwaris—subjects of the Central Indian States. The local garrison is composed largely of Nepalis, many of whom ultimately settle in the province, while many, without abandoning their Nepali domicile, visit the province to work in the forests and mines. Manipur also is closely connected with the neighbouring British districts, and there is a large Manipuri population in Cachar. None of these persons are excluded from the present municipal franchise, and the Chief Commissioner is not in favour of discriminating against them.

APPENDIX XV.

LETTERS FROM CERTAIN LEADERS OF THE NON-BRAHMAN HINDUS IN MADRAS DECLINING TO APPEAR BEFORE THE COMMITTEE.

(1) Letter, dated the 9th January 1919, from Dr. T. M. Nair, to the Government of Madras.

I have the honour to acknowledge receipt of your letter Public Department (Reforms) No. 104-I. R., dated the 7th January 1919, and in reply beg to say that I have neither the time nor the inclination to express my views on questions to be considered by the Franchise and Division of Functions Committees. As I understand that the Committees do not intend to sit in public and to formally record evidence I am most unwilling to take the trouble of appearing before those Committees as I have painful experience of the results of such private and informal investigations. I further take exception to the constitution of the Committee, especially to the non-official Indian section thereof, and I am not anxious to be sat in judgment on by my political opponents.

(2) Letter, dated 12th January 1919, from Diwan Bahadur P. Theagaroya Chetty Garu, Vice-President, South Indian Liberal Federation, to the Government of Madras.

I have the honour to acknowledge the receipt of your letter, dated 9th January 1919, requesting my Association to intimate to you the names of not more than six members of the Federation who will represent it before the Committees.

In reply I desire to state that the members of the Federation are not willing to appear before the Committees as representatives of the Federation. I may be permitted to draw your attention to the resolution passed at the extraordinary session of the South Indian Non-Brahmin Confederation held on October 20th, 1918, and communicated to the Government of Madras and to the further resolution passed at the second session of the Non-Brahmin Confederation held on the 11th and 12th January 1919, copies of both of which are herewith enclosed.

Resolution passed at the extraordinary session.

In view of the partial and partisan character of the Franchise Committee, in view of the studied silence of the Government towards the influential and indignant protests of non-Brahmins in this matter, and in view of the homage paid by Government to the advocate of Brahmin oligarchy in preference to Indian democracy which depends for its evolution upon British authority, this Confederation solemnly resolves that all self-respecting non-Brahmins should decline to appear before, or in any other way co-operate with, the Reform Committees unless one or more non-Brahmin members representing the views of the South Indian Liberal Federation are appointed to each of the Committees.

Resolution passed at the second session.

In view of the resolution passed at the extraordinary session of the non-Brahmin Confederation declining to appear before or co-operate with the Reform Committees, this Confederation resolves not to depute any of its representatives to give evidence before the said Committees and declares that it will not be responsible for any evidence that may be given by any gentleman connected with the non-Brahmin movement.

(3) Letter, dated the 15th January 1919, from the Madras Adi Dravida Jana Sabha, to the Government of Madras.

In reply to your letter, dated the 9th instant, we have the honour to state that as representatives of the above Sabha we would appear before the Franchise Committee provided the two persons, Messrs. V. S. Sreenivasa Sastriar and

Surendra Nath Bannerjee, to whose presence on the Committee we have already objected, are removed from the Committee during our appearance before it.

We have already stated that Mr. Sreenivasa Sastriar, as a champion and apologist of Brahmin oligarchy in preference to British bureaucracy, and Mr. Bannerjee as one who advised our Sabha and the community which it represents "to enlist themselves in the German Army fighting against freedom and civilization," because we said in our address to Lord Chelmsford and the Right Hon'ble Mr. Montagu that "we would fight to the last drop of our blood any attempt to transfer the seat of authority in this country from British hands to the so-called high caste Hindus who had been oppressing us in the past and would do so again but for the British Government," are unfit to sit in judgment over any representation we may make.

If they continue to sit on the Committee we have no other alternative as self-respecting and loyal citizens of the British Empire, than that of respectfully declining to appear before the aforesaid Committee.

---

(4) Letter, dated 16th January 1919, from M. R. Ry. Rai Bahadur K. Venkata Reddi Nayudu Garu, to the Government of Madras.

With reference to the Government intimation, dated 9th January 1919, informing me that my evidence before the Reform Committees now sitting in Madras, will be heard on the 17th and 20th instant, I beg to state that a recent resolution of the South Indian Non-Brahmin Confederation and considerations of party make it impossible for me to appear before the said committees. I am therefore sorry to state that I am unable to appear and give evidence before them.

CALCUTTA : PRINTED BY SUPDT. GOVT. PRINTING, INDIA, 8, HASTINGS STREET.

LIBRARY

COMMITTEE ON DIVISION OF FUNCTIONS.

To

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

YOUR EXCELLENCY,

IN accordance with the directions of the Right Hon'ble the Secretary of State for India we have the honour to forward to Your Excellency, for submission to the Secretary of State, our report on questions connected with the division of functions between the central and provincial Governments, and in the provincial Governments between the Executive Council and Ministers.

2. The terms of reference to us were as follows :—

I. The Committee will be guided by the principles enumerated in paragraphs 212, 213, 238, 239 and 240 and will also take into consideration the illustrative lists contained in appendix II of the Report.

II. With a view to giving the provinces the largest measure of independence, legislative, administrative and financial, of the Government of India, which is compatible with the due discharge by the latter of their own responsibilities, the Committee will advise as to—

(1) the functions which should be discharged by the provincial Governments (paragraph 238);

(2) the powers of control which should be retained by the Government of India in relation to the provincial subjects, in order to secure the discharge of their own responsibilities, and the grounds on which and the manner in which these powers should be exercised (paragraphs 213 and 240).

III. The Committee will further advise as to :—

(1) which of the functions to be discharged by provincial Governments can be transferred at the outset in each province to the charge of Ministers (paragraph 238);

(2) the powers which should be exercised by the Governor in Council in relation to transferred subjects and the grounds on which and the manner in which these powers should be exercised (paragraph 240).

3. Our Report falls into the following sections :—

Section I.—Introductory.

Section II.—Provincial Functions and Relations between the Provinces and the Government of India.

Part 1.—Provincial Functions.

Part 2.—Powers of control by the Government of India in relation to Provincial Subjects.

Part 3.—Lists of All-India and Provincial Subjects.

Section III.—Transfer of Functions to the charge of Ministers, and Powers of Governor in Council in relation to Transferred Subjects.

Part 1.—Transfer of Functions.

Part 2.—Powers of the Governor in Council in relation to Transferred Subjects.

Part 3.—List of Transferred Subjects.

Section IV.—Public Services.

Section V.—Finance.

Section VI.—Conclusion.

It should be noted that it has been found more convenient to treat the various questions arising under both the second and third clauses of the reference with regard to the Public Services and Finance in Sections specially devoted to those two subjects.

Section I.—Introductory.

4. Our first meeting was held at Simla on the 8th November, and after preliminary discussions, including informal interviews with two Members of the Government of India, there and at Delhi, we started on our tour through the country on the 16th. We visited Patna, Lucknow, Lahore, Nagpur and Calcutta before Christmas, and examined the official and non-official witnesses from Bihar and Orissa, the United Provinces, the Punjab, the Central Provinces and Berar and Assam. After Christmas we re-assembled in Calcutta on January 2nd, and heard the Bengal evidence. From Calcutta we moved on to Madras, and thence to Bombay, returning to Delhi on February 3rd. Burma we did not visit, as it was excluded from the scope of our enquiries. Besides hearing witnesses from the various provinces we were able to examine several officers who serve directly under the Government of India. The final discussions were held after our return to Delhi, between the 3rd and the 26th February. On the latter date our Report was signed.

While on tour, we held sittings on 68 days in all, and we sat as a rule between six and seven hours a day. The sittings and the examination of witnesses were conducted privately. The names of the witnesses and (in the case of representative witnesses) the names of the associations which they represented are set forth in Annexure no. VII. A record of their evidence, together with a record of the material prepared for our assistance by the provincial Governments, has been deposited with the Home Department of the Government of India. Reference is made in later paragraphs to the Memoranda received from the Government of India and the proposals formulated by local Governments.

5. At the outset we suffered a great loss owing to the death of our colleague, the Hon'ble Mr. H. F. W. Gillman, C.S.I., I.C.S., Member of the Executive Council of the Governor of Madras. We realise that his wide administrative experience would have been of the greatest help to us. The Madras officer (Mr. M. E. Couchman) who was selected to take his place was unable to join us until we had completed our tour in Bihar and Orissa, the United Provinces and the Punjab.

6. In examining the case of each province we received the help of two added members appointed by the respective local Governments with a view to the adequate representation of local conditions. Except in the case of Bengal, where the gentlemen nominated by Government were both non-officials, one added member in each province was an official and the other a non-official. We desire to take this opportunity of expressing our obligations to our added members (whose names are given in Annexure VI) for the great assistance they have given us. Not only did they take a share in the examination of witnesses and in the deliberations on the peculiar circumstances of their own provinces, but in several cases they also supplied us with valuable written statements of their views. We further received important assistance from Sir Prabhashankar Pattani, K.C.I.E., and Mr. G. Rainy, C.I.E., I.C.S., who were appointed to join our deliberations at Delhi when we were examining questions affecting the Government of India.

7. It is laid down in our reference that we are to be guided by the principles enunciated in certain paragraphs of the Joint Report of Your Excellency and the Secretary of State on Indian Constitutional Reforms which have a special bearing upon the questions referred to us. The paragraphs in question are 212, 213, 238, 239 and 240. We have given careful consideration to these paragraphs, and frequent references to them will be found in our Report. There are many other passages of the Joint Report which directly affect the

questions with which we have to deal, and our Report must be read with reference to, and in the light of, the Joint Report as a whole and the constitutional scheme of which it lays down the general lines

8. Some preliminary definition of terms is required. We have used the word 'Imperial' in reference only to His Majesty's Government and the Parliament of the United Kingdom. We have used the term "Indian" for the purpose of references to the Government of India and the Indian legislature, as distinct from the provincial Governments and legislatures. It has been found convenient to state many of our proposals in what may perhaps be described as statutory form, but we wish it to be understood that we have done this for the sake only of clear statement, and not with a view to assuming the functions of the Parliamentary draftsman or to deciding questions as to the precise legal machinery to be employed for giving effect to our proposals.

Section II.—Provincial Functions and Relations between the Provinces and the Government of India.

Part 1.—Provincial Functions.

9. Our duty, as stated in clause II of the reference, is to advise as to the functions of the provincial Governments and as to the control to be retained by the Government of India in relation to provincial subjects 'in order to secure the discharge of their own responsibilities.' For the purpose of defining the relations between the central and provincial Governments, as we are thus required to do, we have found it essential to examine not only what subjects should be comprised in the list of provincial subjects, but also what are the subjects for which the responsibility must remain with the Government of India. It has thus become necessary to prepare two lists showing :—

(*i*) All-India subjects,

(*ii*) Provincial subjects.

These lists are attached to this Section of the Report.

10. In the preparation of these lists we have been guided by paragraph 238 of the Joint Report from which the following passage may be quoted :—

"The Committee's first business will be to consider what are the services to be appropriated to the provinces, all others remaining with the Government of India. We suggest that it will find that some matters are of wholly provincial concern, and that others are primarily provincial, but that in respect of them some statutory restrictions upon the discretion of provincial Governments may be necessary. Other matters again may be provincial in character so far as administration goes, while there may be good reasons for keeping the right of legislation in respect of them in the hands of the Government of India."

11. In considering the questions arising in connection with the preparation of these lists, we have had the assistance of a Memorandum received from the Government of India on the general subject of Division of Functions, which forms an annexure to this Report (Annexure II). The following passages may be quoted from this Memorandum :—

"7. There are certain subjects which are at present under the direct administration of the Government of India. The Government of India maintain separate staffs for their administration and the provincial Governments have no share in it The category is easily recognisable, and for the most part there will not be much room for doubt as to the subjects to be included in it. At the other end of the line are matters of predominantly local interest which, however much conditions may vary between provinces, will generally speaking be recognised as proper subjects for provincialisation.

"8. Between these extreme categories, however, lies a large indeterminate field which requires further examination before the principles determining its classification can be settled. It comprises all the matters in which the Government of India at present retain ultimate control, legislative and administrative, but in practice share the actual administration in varying degrees with the provincial Governments In many cases the extent of delegation recognised is already very wide. The criterion which the Government of India apply to these is whether in any given case the provincial Governments are to be strictly the agents of the Government of India, or are to have (subject to what is said below as to the reservation of

powers of intervention) acknowledged authority of their own. In applying this criterion the main determining factor will be, not the degree of delegation already practised, which may depend on mere convenience, but the consideration whether the interests of India as a whole (or at all events interests larger than those of one province) or on the other hand the interests of the province essentially preponderate.

"The point is that delegation to an agent may be already extensive, but that circumstance should not obscure the fact of agency or lead to the agent being regarded as having inherent powers of his own."

The Memorandum proceeds to state that applying the principle above laid down "the Government of India hold that where extra-provincial interests predominate the subject should be treated as central," while "on the other hand, all subjects in which the interests of the provinces essentially predominate should be provincial, and in respect of these the provincial Governments will have acknowledged authority of their own."

12 We recognise the distinction above drawn between the two classes of functions discharged by provincial Governments—(1) Agency functions in relation to All-India subjects and (2) Provincial functions properly so called. The distinguishing feature of the work done in discharge of agency functions is that it relates to subjects in which All-India interests so far predominate that full ultimate control must remain with the Government of India, and that, whatever the extent of the authority in such matters for the time being delegated by the Government of India to the provinces as their agents, it must always be open to the Government of India to vary the authority and, if need be, even to withdraw the authority altogether. Provincial functions relate to subjects in which, to use the words of the Government of India Memorandum, "the interests of the provinces essentially predominate", and in which provincial Governments are therefore to have "acknowledged authority of their own." We recognise the difficulty of stating the matter in more precise terms Circumstances, and the experience gained in the working of the existing local Governments, have largely decided in practice what subjects must fall in the provincial class; but the general subordination of local Governments to the Government of India under the terms of the Government of India Act, and centralization in finance, have in the past tended to obscure the actual dividing line between All-India and provincial subjects, which also governs the separation in the provinces of agency from provincial functions.

13 In considering what subjects should be classed as provincial subjects, we have, in accordance with the suggestion of paragraph 238, used the first illustrative list to the Report as the starting point for our deliberations. This list has also been treated by most provincial Governments as affording the basis for their own proposals. The Government of India have not themselves put forward any definite proposal as to how the classification of subjects should be worked out on the lines laid down in their Memorandum, and the provincial proposals under this head were mainly confined to discussing the limits of the authority to be exercised in future by the Government of India, in relation to the subjects included in this first illustrative list, and did not in any case include an attempt to make a general and complete classification as between the central and provincial Governments. It has therefore been left to us to attempt this task, on the basis of the general proposals contained in the Report, and of the material at our disposal, consisting of the Memoranda from the Government of India, the schemes and Memoranda of the different provincial Governments and the evidence which we have received. We are fully conscious of the difficulties of making such a complete classification of the functions of Government as these lists represent, and we put them forward with the reservations necessary in dealing with a subject so various and so complicated. Their purpose is to lay down the main lines of division. They will, no doubt require and receive careful examination by the different Governments concerned as regards their bearing on the detailed work of administration.

14. Certain broad considerations governing the preparation of the lists of All-India and provincial subjects have to be stated :—

(1) We have proceeded on the basis that there is to be no such statutory demarcation of powers between the central and provincial legislatures as to leave the validity of Acts passed to be challenged in

the Courts, on the ground of their being in excess of the powers of the legislature by which they are passed. We do not propose any alteration in the essential feature of the existing system of legislation in British India, which is that, save for certain special powers entrusted to the Indian legislature under section 65 of the Government of India Act, the Indian legislature as regards British India, and each of the provincial legislatures as regards its own province, have in theory concurrent jurisdiction over the whole legislative field. In fact the powers of provincial legislatures are much restricted owing to the rule, depending in some cases on statute and in other cases on executive order, that provincial Bills require the previous sanction of the Governor-General or the Government of India before introduction, but the validity of a provincial Act duly passed and assented to cannot be challenged on the ground that previous sanction has not been given.

(2) In accordance with the suggestion made in paragraph 238, many provincial subjects are stated in the provincial list to be "subject to Indian legislation" either in whole or in part. The effect of this limitation is—with regard to Indian powers, that legislation on that subject, in whole or in part, and any powers reserved thereunder to the Governor-General in Council are recognised as an All-India subject—and with regard to provincial powers, not that the province cannot legislate on the subject at all, but that, in so far as the limitation operates, it cannot legislate except with the previous sanction of the Governor-General.

(3) In framing the lists we have treated as All-India subjects, and committed therefore to the Government of India and the Indian legislature, certain large general heads, such for instance as Commerce, and Laws regarding property, but have taken out of these, and allotted to the provinces, important sections, *e.g.*, in the case of the first, Excise, and, in the case of the second, Laws regarding land tenure. As stated in the rules of interpretation applied to the lists, any matter included in the provincial list is, to the extent of such inclusion, to be deemed to be excluded from any All-India subject of which otherwise it would form part. Subjects not expressly included in either list are regarded as All-India subjects (All-India list, no. 40), but it is left open to the Governor-General in Council to add to the provincial list "matters of merely local or private interest within the province" (Provincial List, no 47).

(4) Experience elsewhere has abundantly shown the difficulties involved in working out such a scheme of classification and making it complete, and has proved how impossible it is to forecast beforehand the actual results in practice of the division made. It must, however, be remembered that in this case we are not attempting a division of powers which will be subject to test in the Courts, and we can therefore with greater confidence leave the effect of the division proposed to be worked out in the course of legislative and administrative practice in the light of accepted general principles Our scheme has been devised on such a basis as to leave the way open for this process of development.

16 We have included in the lists of All-India and provincial subjects notes of an explanatory character, but the proposals made as to the division of functions between the Government of India and the provincial Governments in certain subjects involve some points of such importance as to require special mention here

(1) *Education.*—We have included Education in the provincial list "subject to Indian legislation controlling the establishment and regulating the constitutions and functions of new universities," and have provided that among the classes of provincial legislation which the Governor will

be required to reserve for the consideration of the Governor-General shall be legislation regulating the constitution and functions of any university unless such legislation has been subject to previous sanction [*vide* paragraph 26 (3)] The effect of these two proposals will be that (*a*) apart from powers conferred by future Indian legislation on the provinces, provincial legislation with regard to the establishment, constitution and functions of new universities will be subject to previous sanction, and (*b*) a provincial Legislative Council will be competent to legislate, subject to reservation but without previous sanction, for the purpose of amending the constitution and functions of any university now existing within the province. In recommending that legislation by a province as to the establishment, constitution and functions of a new university shall be subject to previous sanction, and that the control of legislation as to new universities shall thus, in effect, be placed in the hands of the Indian legislature, we have been influenced by the views of the Calcutta University Commission, which have been communicated to us in advance of the publication of the Commission's report. It is not for us to advise as to the form of such legislation, but we make our recommendation on the assumption that means will be found of giving this legislation such an elastic character as to facilitate university development according to the varying needs and conditions of the different provinces.

The special circumstances of Bengal, and the fact that the Calcutta University Commission have been enquiring into and are about to report on higher education in Bengal, render it necessary to make separate provisions regarding that province. If it is decided to give effect to the recommendations contained in the report of the Commission legislation will be required—

(*i*) as to the constitution and functions of the University of Calcutta,

(*ii*) as to the control of secondary education in Bengal, and the establishment of a Board of Intermediate and Secondary Education,

(*iii*) as to the establishment, constitution and functions of the new University of Dacca.

The third point is already covered by the proposed provision for the control by the Indian legislature over the establishment and constitution of new universities, but, as regards the other two points, we recommend that legislation in Bengal with regard to the Calcutta University and with regard to the control and organisation of secondary education, shall be subject to previous sanction for a period of five years from the date when the reforms scheme comes into operation. This will give time to the Indian legislature to pass, if it sees fit to do so, the legislation required to give effect to the Report of the Calcutta University Commission, and will secure such legislation against premature amendment.

(2) ***Railways.***—As regards Railways we have been impressed with the evident strength of the desire in many provinces to develop light and feeder railways. There is a general feeling that such development is unduly hampered under existing conditions. This feeling is particularly strong in Madras, where several local authorities have given proof of their keenness on the subject by levying for years a cess for railways the construction of which has not even been sanctioned. We have tried therefore, while conserving the essential interests of the Railway Board as controller of the railway communications of India and guardian of the rights of existing railways, and the ultimate veto of the Government of India, to give to the provincial Legislative Councils a power of initiative in legislation which will give scope to local enterprise. We recommend that local authorities or private corporations should be allowed to introduce Bills for the construction of light and feeder railways in the provincial Councils. But we suggest that provision should be made by standing orders of each provincial Council requiring that, before any Bill providing for construction and management of a light or feeder railway is introduced in the Council, sufficient notice of the proposals contained in such Bill shall be given to the Railway Board, and to such other parties as may be prescribed, and that the Bill shall be referred after introduction to a Select Committee of the Council with power to hear evidence, and shall be dealt with by procedure similar to that applied to private Bills under British Parliamentary practice; and we further

propose that any such Bill shall, after being passed by the provincial Council, be reserved for the consideration of the Governor-General, in accordance with the proposals contained in paragraph 36.

(3) *Ports and Waterways.*—The question of the control of ports and waterways presents certain special features. At present both are administered under the immediate control of the local Governments, but it is obvious that the development and control of ports is very closely connected with the regulation of shipping, which we have assigned as an All-India subject, and has certain aspects which are not only of Indian but also of Imperial importance. The larger inland waterways also are of interest to India as a whole, and may be injuriously affected in one province by action or neglect in another; they also have a most important bearing on the question of railway development. There has been much discussion on the subject, especially in Bengal, where a proposal for a Waterways Trust has been steadily advocated, and the Bengal Government have recommended that if such a Trust is constituted it should be directly under the control of the Government of India. No definite scheme for such central control has been laid before the Committee, but we consider it desirable to leave the way open for the adoption of such a scheme, and have therefore made provision in the All-India and provincial lists which will enable the Government of India to take over direct control of ports and inland waterways to such an extent as may hereafter be thought expedient.

(4) *Religious and Charitable Endowments.*—The question of Religious and Charitable Endowments has been under more or less constant discussion since the Act of 1863 was passed. In the circumstances of India, it seems impossible to deal separately with the two classes of endowments, and the increasing desire for the effective supervision of endowments has been checked by the fear of affecting religious rites and usages. Our proposals under the head of legislative control provide that all provincial legislation affecting the religion or religious rites or usages of any class of British subjects in British India shall be excluded from the class of Bills requiring previous sanction, but shall be reserved for the consideration of the Governor-General [*vide* paragraph 36 (3)], and the object of these proposals, and of including religious and charitable endowments in the list of provincial subjects, is to leave it open to the provincial legislatures to seek a solution of the difficulties that surround the question.

PART 2.—POWERS OF CONTROL BY THE GOVERNMENT OF INDIA IN RELATION TO PROVINCIAL SUBJECTS.

General principles.

16. Under this head arises a question which is inseparable from those which have to be considered in framing the lists of All-India and provincial subjects, namely, what is to be the effect as regards provincial powers of putting a subject in the provincial list? Or in other words, what is to be the extent of the "acknowledged authority" of the province in relation to provincial subjects? In the Memorandum already referred to (Annexure II) the Government of India have given an indication of their views on this question. The following passage may be quoted from paragraph 11 of the memorandum :—

"Among provincial subjects some will be transferred. Taking the case of these first the Government of India think that the exercise of the central Government's power to intervene in provincial subjects should be specifically restricted to the following purposes :—

(*i*) to safeguard the administration of Government of India subjects;

(*ii*) to secure uniformity of legislation where such legislation is considered desirable in the interests of India or of more than one province;

(*iii*) to safeguard the public services to an extent which will be further determined subsequently;

(*iv*) to decide questions which affect more than one province.

So far as legislation is concerned the Government of India think that the exercise of the legislative powers of the central Government should be by convention restricted in the manner proposed in paragraph 212 to the above-named grounds."

This proposal is qualified by the statement that it should be regarded as relating to control which is not based on financial considerations. To the question of financial control we refer later.

17. Our view as to the four purposes for which it is proposed to retain power to intervene in transferred subjects may be briefly stated. As to the first, it is clearly necessary for the Government of India to retain power to safeguard the administration of its own subjects, which we have called "All-India subjects." It is also necessary for the Government of India to retain power to intervene to decide questions in dispute between provinces; but we should prefer to see the fourth purpose expressed in terms less wide than those proposed, and it should, we think, be made clear that the provinces are to have an opportunity of settling for themselves any matter in dispute affecting a provincial subject before the Government of India exercise their power to intervene. We suggest therefore that the fourth purpose should be stated as follows :—

"To decide questions arising between two or more provinces, failing agreement between the provinces concerned."

With regard to the second purpose, we feel that acceptance of the purpose of securing uniformity of legislation stated in these wide terms would make it difficult, if not impossible, for any convention to come into existence limiting the interference of the Indian legislature in provincial subjects. We have, therefore, in our list of provincial subjects, and in our proposals with regard to the legislative powers of the provinces, endeavoured to provide specifically for cases where the need for uniformity of legislation must be recognized, and we have thus, we believe, made the reservation of this general power unnecessary. Where, under our proposals, power has been reserved to the Indian legislature to legislate, we have, as already stated, treated the power so reserved as an All-India subject.

With regard to the third purpose, safeguarding the public services, our proposals on this subject are set out in the Section which deals with the public services. To the extent to which control is to be reserved by the Government of India and the Indian legislature, the public services will be an All-India subject. These proposals as to legislation and the public services enable us therefore to reduce the number of the purposes for which the Government of India and the Indian Legislature should retain power to intervene in transferred subjects to two, which may be stated as follows :—

(1) To safeguard the administration of All-India subjects.

(2) To decide questions arising between two or more provinces, failing agreement between the provinces concerned.

18. In the case of provincial subjects which are reserved, the Memorandum (Annexure II), after stating that the Government of India look forward in future to very different relations between the central and provincial Governments, even in reserved subjects, from those which have obtained in the past, proceeds as follows :—

"Nevertheless, as they have already said, the Government of India accept the principle laid down in paragraph 213 that an official government which is not subject to popular control cannot properly be legally exempted from superior official control. Bearing in mind the further fundamental principle that, saving its responsibility to Parliament, the central Government must retain indisputable authority in essential matters, and also the practical danger that the specification of certain grounds for the exercise of powers of control may be taken to imply the exclusion of others, they hold that it would be unwise to lay down any specific limitations upon their legal powers of interference with provincial Governments in reserved subjects. In respect of these therefore they propose no amendment of section 45 of the Government of India Act."

The paragraph then proceeds to give an indication of the Government of India's views as to the purposes for which their control in regard to reserved subjects will generally be exercised in future, but it is made clear that this expression of their views is not intended to serve as the basis of any formal limitation of their legal powers.

19. We think there is great weight in the considerations urged against the plan of making, in the case of reserved subjects, any such list of purposes of

intervention by the Government of India as is proposed in the case of transferred subjects, and thus imposing a specific restriction on the Government of India's general powers of control. At the same time we feel that the effect of the important distinction between agency and provincial functions should receive formal recognition; otherwise the absolute powers of control reserved to the Government of India under sections 33 and 45 of the Government of India Act will apply equally to both sets of functions, except in so far as provincial subjects are transferred, and, apart from transfer, there will be no formal distinction between the delegation of authority to the province as an agent in relation to all-India subjects and the process of devolution whereby it is intended that the province should obtain an ackowledged authority of its own as regards provincial subjects. Failure to recognize this distinction, except in the case of transferred subjects, is bound to be a source of difficulty and confusion in the relations between central and provincial Governments, and between the provincial Governments and their own legislatures, and appears to us to be inconsistent with the policy laid down in the Joint Report.

20. In this connection we would refer to the opening words of clause II of our reference, which enjoin us to keep in view the object of giving to the provinces "the largest measure of independence, legislative, administrative and financial, of the Government of India, which is compatible with the due discharge by the latter of their own responsibilities", and also to the second formula contained in paragraph 189 of the Joint Report, from which these words are taken. This formula runs as follows:—

"The provinces are the domain in which the earlier steps towards the progressive realization of responsible government should be taken. Some measure of responsibility should be given at once, and our aim is to give complete responsibility as soon as conditions permit. This involves at once giving the provinces the largest measure of independence, legislative, administrative and financial, of the Government of India which is compatible with the due discharge by the latter of its own responsibilities."

It will be observed that this formula links together the two questions of provincial independence of the Government of India and growth of responsible government in the province. Subsequent paragraphs of the Joint Report make it clear that, though the Governor in Council remains primarily responsible for provincial reserved subjects, the provincial Legislative Councils are, from the outset, to be directly concerned in these subjects. They are to legislate with regard to them, they are to discuss and deal with the budget which contains provision for them and they are to have Standing Committees which will bring some of their members into immediate touch with their administration. Though special procedure is to be provided by which to secure legislation and to obtain funds for reserved subjects, where the proposals of the Governor in Council do not meet with the approval of the Legislative Council, it may be assumed that a Governor in Council will not resort to this special procedure if he can reasonably avoid it.

21. It appears to be clear therefore that the sphere of influence of the new provincial Councils will extend beyond the actual area of the transferred subjects. The initiative with regard to the reserved subjects will rest with the Governor in Council, but, in shaping his course with regard to such subjects, the Governor in Council will be bound to take into account the important factor of his relations with his Legislative Council, and, it may be added, with the Ministers who form the non-official side of his Government. If the Governor in Council is thus put in a new situation with regard to provincial subjects which remain reserved, this new situation must be recognized in the relations between the Governor in Council and the authorities which control him, represented by the Government of India. We do not read paragraph 213 of the Joint Report, which is referred to in the Government of India Memorandum, and is one of the paragraphs quoted in our reference, as implying that we are to leave this new situation out of account in considering the control which the Government of India are to retain in relation to reserved subjects.

22. A new principle has therefore in our opinion to be applied to all the subjects included in the sphere of provincial administration as provincial subjects, in view of the new conditions which the development of popular institutions in the provinces will create, and we think that this principle can best be laid

down by reference to the terms of the announcement of August 20th, 1917, the essential portion of which will, it may be assumed, be incorporated in the preamble to the new Bill. The preamble will, in that case, contain a statement to the effect that "with a view to the progressive realization of responsible government in British India as an integral part of the Empire, it is expedient gradually to develop self-governing institutions in that country." On the assumption that the preamble will be so framed, we propose that the new position as regards the relations of the Government of India with provincial Governments, in so far as concerns the administration of provincial subjects, should be formally recognized by an authoritative declaration to the following effect:—

> "The powers of superintendence, direction and control over local Governments vested in the Governor-General in Council under the Government of India Act, 1915, shall, in relation to provincial subjects, be exercised with due regard to the purpose of the new Act, as stated in the preamble."

The position with regard to the whole class of provincial subjects having been thus dealt with, the special position of transferred subjects should be defined, in accordance with the suggestion of the Government of India, by a clause to the following effect, which will operate as an amendment of the Government of India Act:—

> "The powers of superintendence, direction and control over local Governments vested in the Governor-General in Council under the Government of India Act, 1915, shall, in relation to transferred subjects, be exercised only for such purposes as may be specified in rules made under this Act, but the Governor-General in Council shall be the sole judge as to whether the purpose of the exercise of such power in any particular case comes within the purposes so specified."

The last words are added in order to make it clear that we do not contemplate such a limitation of the powers of the Governor-General in Council as would render the exercise of these powers open to challenge in the Courts. Our acceptance of the proposal with regard to the specification in rules of the purposes to which the exercise of the powers of the Governor-General in Council will be restricted in relation to transferred subjects is based on the assumption that the making of rules under this provision will be subject to effective Parliamentary control.

23. The general effect of these arrangements will be to apply one principle to all subjects marked as provincial; but the division of provincial subjects into the two classes, reserved and transferred, and the different authorities constituted for dealing with those two classes of subjects, will mark the fact that the principle is to have a far wider application in the one case than in the other, and this point will be further emphasized by the limitation of the purposes for which the Government of India may interfere in the one case and the absence of any such limitation in the other. While the proposed declaration will give a guiding principle in relation to the control by the Government of India over provincial subjects, whether reserved or transferred, it cannot be interpreted as laying down any hard and fast rule. The Government of India will not be bound to accept proposals of an official provincial Government merely because they are backed by a majority in the provincial Legislative Council. They will still be responsible to the Secretary of State and to the Imperial Parliament for exercising their full legal authority, where they think necessary, to reject such proposals, however strongly supported; but the effect of the declaration will be to involve definite recognition of the relation between the Governor in Council and his provincial Council as one of the factors in the situation which must be taken into account. The proposed declaration will necessarily apply equally to the exercise of the powers of control vested in the Secretary of State (under section 2 of the Government of India Act), in so far as local Governments are concerned, and the Secretary of State will be responsible to the Imperial Parliament for effect being given to the policy laid down.

24. The distinction between a reserved and a transferred subject in respect of the control to be exercised by the Government of India has an important

bearing on the question of the actual definition of provincial subjects as appearing in the provincial list. As long as the Government of India continue to exercise in relation to a provincial subject the general control vested in them under the Government of India Act, without any restriction of the purposes for which that control may be exercised, the limitation of the provincial subject by precise definition is not a matter of great practical importance; but, as soon as the control of the Government of India becomes a restricted control which can only be exercised for certain specific purposes, the question of definition acquires a new importance and needs very careful examination. The position can be illustrated by reference to such subjects as Land Revenue and Police. In the case of Land Revenue the Memorandum received from the Revenue and Agriculture Department proposes that the control of the Government of India shall, in future, be limited to requiring that the rules made by a local Government for the guidance of Settlement Officers in assessing revenue must be "in accordance with general principles sanctioned by the Governor-General in Council." If Land Revenue is recognized as a purely provincial concern, then it is difficult to justify or give practical effect to such a control by the Government of India as this provision would imply. On the other hand, it may be said that Land Revenue never can be recognized as a purely provincial concern, because the Government of India must always be vitally interested in the safeguarding of the great sources of national revenue, of which Land Revenue is one, though, under the proposed financial arrangement, it is a source from which the province alone will draw. In the case of Land Revenue, as it is not now recommended for transfer and the Government of India's general control therefore remains, we have not attempted to define the exact form which that control should in future take.

The subject of Police affords another illustration of the importance of this question of definition. It is obvious that the interests of the Government of India and of other provinces may be seriously affected if a particular province fails to maintain its police force at a sufficient strength and in a reasonable state of efficiency. If therefore the question arose as to the transfer in any province of the police to the charge of Ministers, the question of the definition of the powers of the central Government and of the obligation of the province in relation to Police would assume quite a different aspect from that which it presents as long as the general control of the Government of India is retained unhampered by any restriction to special purposes.

We have sought by these illustrations to make it clear that, where a provincial subject is not now to be transferred in any province, its definition as a provincial subject, which involves the question of the control to be retained in respect of it by the central Government, is not to be regarded as having received final consideration. The question of such definition must be reviewed and decided when the question of transfer arises, and our proposed definitions of those provincial subjects which are to remain reserved must therefore not be regarded as prejudging the question as to the limitation necessary for the purpose of protecting the interests of the central Government when the date of transfer comes.

25. We received from the Government of India on the 21st February, when our enquiry was approaching its conclusion, a further short Memorandum on the question of Division of Functions between the central Government and the provinces. This Memorandum forms annexure III to our Report. It will be seen that the final paragraph of this Memorandum has a bearing on the proposals contained in paragraphs 20—23. We note a suggestion contained in this Memorandum that the subjects which appear in the provincial budget should be described as the subjects which the provinces administer. We are not quite clear as to the effect of this proposal, but it may be read as a suggestion that the distinction to be drawn between agency functions and provincial functions should be made clear by relieving the provincial exchequer of expenditure on agency functions, and making such expenditure a direct charge against the Government of India. We think that this would be a logical way of dealing with the position, and that there would be obvious advantages in its adoption, provided financial adjustments can be made which would prevent inequitable results.

Administrative Control.

26. The existing control by the Government of India over provincial administration finds expression in the provisions of a considerable number of statutes and regulations which specially reserve power to the Governor-General in Council, or require his previous sanction or subsequent approval to action taken by the provincial Governments. We have received from the provincial Governments a number of detailed proposals for the relaxation of this control in particular matters, either by the delegation of powers or by the amendment of the Act concerned ; and the Government of India have also supplied us with departmental Memoranda treating the question on similar lines. We are not in a position to deal with these detailed suggestions, but we recommend that the matter should be carefully examined now in the light of the material collected and of the new relations to be established between the central and provincial Governments. In the Memorandum dated the 19th February (Annexure III) the Government of India refer to the matter as follows "In respect of these same subjects (*i.e.* subjects that the provinces administer but which are not transferred subjects) the Government of India will undertake a formal and systematic scheme of devolution of their authority, such scheme to be compatible with the exercise of their control in matters which they regard as essential to good government." If, in the necessary interval before the reforms scheme takes effect, the existing statutes are revised so as to eliminate provisions necessitating references to the Government of India which are considered no longer necessary, the position will be simplified and the provinces will have from the start a freer hand in dealing with provincial subjects.

27. As regards the method by which the Government of India should exercise their right of intervention when necessary in matters of administration we propose in paragraph 63 to give effect to the suggestion contained in the Government of India Memorandum (Annexure II) by providing that the duty shall be laid upon the Governor "to take care that any order given by the Governor-General in Council is complied with by the department concerned, whether such department is reserved or transferred."

Control over provincial legislation.

28. Reference has already been made to the position as to provincial legislation under the existing law, but it is now necessary to deal with the matter more fully. Section 79 of the Government of India Act provides as follows :—

79. (1) The local legislature of any province has power, subject to the provisions of this Act, to make laws for the peace and good government of the territories for the time being constituting that province.

(2) The local legislature of any province may, with the previous sanction of the Governor-General, but not otherwise, repeal or alter as to that province any law made either before or after the commencement of this Act by any authority in British India other than that local legislature.

(3) The local legislature of any province may not, without the previous sanction of the Governor-General, make or take into consideration any law—

(*a*) affecting the public debt of India, or the customs duties, or any other tax or duty for the time being in force and imposed by the authority of the Governor-General in Council for the general purposes of the Government of India ; or

(*b*) regulating any of the current coin, or the issue of any bills, notes or other paper currency ; or

(*c*) regulating the conveyance of letters by the post office or messages by the electric telegraph ; or

(*d*) altering in any way the Indian Penal Code ; or

(*e*) affecting the religion or religious rites and usages of any class of British subjects in India ; or

(*f*) affecting the discipline or maintenance of any part of His Majesty's naval or military forces ; or

(*g*) regulating patents or copyright ; or

(*h*) affecting the relations of the Government with foreign princes or states.

(4) The local legislature of any province has not power to make any law affecting any Act of Parliament.

(5) Provided that an Act or a provision of an Act made by a local legislature, and subsequently assented to by the Governor-General in pursuance of this Act, shall not be deemed invalid by reason only of its requiring the previous sanction of the Governor-General under this Act.

29. It will be observed that under this section the previous sanction of the Governor-General has to be obtained

(1) to any provincial Bill repealing or altering a law made by any authority in British India other than the local legislature of the province concerned;

(2) to any provincial Bill bearing on certain All-India subjects specified in sub-clause (3); and

(3) to any provincial Bill affecting the religion or religious rites and usages of any class of British subjects in India [sub-clause (3) (*e*)].

These statutory provisions as to previous sanction have been supplemented by executive orders which have the effect of requiring provincial Governments to submit their Bills for previous sanction in all but a very limited class of cases. In practice the requirement of previous sanction has been applied so as to render necessary not only the submission to the Government of India of the Bill itself prior to introduction, but also the submission of any important amendments proposed during the passage of the Bill. Reference may be made to paragraphs 114-116 of the Joint Report, which explain the effect of the existing restrictions, and recognise the need of an effective measure of devolution before provincial Councils can acquire "any genuine independence in legislation."

30. It is clear that the requirement of previous sanction is calculated greatly to hamper and delay the work of provincial legislatures. This particular form of limitation has moreover as a rule the unfortunate effect of inviting the judgment of the Government of India upon a provincial Bill before they have had the guidance which could be obtained from a public discussion of its terms. On the other hand, as the provinces have in theory the right to range over the whole legislative field, it is essential that they should be under such effective restraint in the exercise of this right as will suffice to keep them off certain portions of the field altogether, and to place their entry into other portions under very strict control. The problem which we have to solve is to mark off for the provinces a reasonably wide legislative field, which they can be free to enter without first passing the barrier of previous sanction, and at the same time to provide such safeguards as may be necessary to enable the Government of India to exercise their supervision, for the purpose of protecting the wider interests committed to their charge, without being compelled to have recourse to a frequent exercise of the veto.

31. It is contemplated in paragraph 212 of the Joint Report that, subject to certain important reservations, "within the field which may be marked off for provincial legislative control the sole legislative power shall rest with the provincial legislatures". The question of the means by which the control of this legislative field is to be reserved to the provincial legislature is discussed in the paragraph referred to. As has already been indicated we are in agreement with the conclusion to which that paragraph points, that it is better to rely on limitations imposed by convention or constitutional practice rather than on a statutory demarcation so framed as to bar the entry of the Indian legislature into the provincial field. But the growth of such a convention will depend on the degree of success attained in marking out the boundaries of the provincial field of legislation. In this connection there are two points in paragraph 238 of the Joint Report which it is necessary to bear in mind:

(1) That paragraph does not contemplate that the legislative field of the provinces will be co-extensive with provincial subjects, but suggests that there will be some provincial subjects in respect of which legislation will remain in the hands of the Government of India.

(2) It is further pointed out in paragraph 238 that, in dealing with each subject included in the provincial list, the powers of provincial legislatures to alter the Acts of the Indian legislature on that subject will have to be carefully considered.

32. The easiest way of explaining our proposals as to previous sanction will be by stating them in relation to the existing provisions of section 79. It may be that for the purpose of drafting the new Bill, it will be found better, as suggested in paragraph 114 of the Report, entirely to recast the existing provisions of section 79, but this is a question of drafting which we do not attempt to decide. Taking section 79 as our basis, we propose that it should be amended as follows:—

Omit from section 79 (2) the words "with the previous sanction of the Governor-General but not otherwise", and substitute "subject to the provisions of the succeeding sub-section."

Omit from section 79 (3) sub-clause (*e*) and add the following sub-clauses;—

"(1) regulating any other All-India subject;

(2) affecting any power expressly reserved to the Governor-General in Council by any existing law;

(3) altering or repealing the provisions of any of the Acts passed by the Indian Legislative Council included in the schedule;"

(4) regulating a provincial subject which has been declared to be "subject to Indian legislation;"

(5) altering or repealing any provisions of a law passed by the Indian legislature after the commencement of this Act (*i.e.*, the new Bill) which by the terms of such law may not be repealed or altered by a local legislature without previous sanction.

We append a copy of the section showing these amendments:—

79. (1) The local legislature of any province has power, subject to the provisions of this Act, to make laws for the peace and good government of the territories for the time being constituting that province.

(2) The local legislature of any province may, [with the previous sanction of the Governor-General, but not otherwise,] *subject to the provisions of the succeeding sub-section* repeal or alter as to that province any law made either before or after the commencement of this Act by any authority in British India other than that local legislature.

(3) The local legislature of any province may not, without the previous sanction of the Governor-General, make or take into consideration any law—

(*a*) affecting the public debt of India, or the customs duties, or any other tax or duty for the time being in force and imposed by the authority of the Governor-General in Council for the general purposes of the Government of India; or

(*b*) regulating any of the current coin; or the issue of any bills, notes or other paper currency; or

(*c*) regulating the conveyance of letters by the post office or messages by the electric telegraph; or

(*d*) altering in any way the Indian Penal Code; or

[(*e*) affecting the religion or religious rites and usages of any class of British subjects in India; or]

(*e*) [(*f*)] affecting the discipline or maintenance of any part of His Majesty's naval or military forces; or

(*f*) [(*g*)] regulating patents or copyright; or

(*g*) [(*h*)] affecting the relations of the Government with foreign princes or states; or

(*h*) *regulating any other All-India subject; or*

(*i*) *affecting any power expressly reserved to the Governor-General in Council by any existing law; or*

(*j*) *altering or repealing the provisions of any of the Acts passed by the Indian Legislative Council included in the schedule; or*

(*k*) *regulating a provincial subject which has been declared to be subject to Indian legislation; or*

(*l*) *altering or repealing any provision of a law passed by the Indian legislature after the commencement of this Act* (i.e., *the new Bill*) *which by the terms of such law may not be repealed or altered by a local legislature without previous sanction.*

The following is the Schedule referred to ;—

Schedule.

Indian Penal Code.
Indian Evidence Act.
Bankers' Book Evidence Act.
Indian Contract Act.
Specific Relief Act.
Negotiable Instruments Act.
Indian Trust Act.
Transfer of Property Act.
Civil Procedure Code.
Indian Limitation Act.
Criminal Procedure Code.
Indian Companies Act.
The Provident Insurance Societies Act.
The Indian Life Assurance Companies Act.
The Indian Official Secrets Act.
General Clauses Act.
Indian Short Titles Act.
Common Carriers Act.
Provident Funds Act.
Indian Ports Act.
Indian Lunacy Act.

33. The general effect of these proposals will be to leave the provinces free legislate without previous sanction on provincial subjects, whether reserved or transferred, which are not specially made subject to Indian legislation. Previous sanction will, however, still be required, even as regards such subjects, where the proposed Bill affects powers expressly reserved by statute to the Governor-General in Council, or amends any provision of certain All-India Acts, such as the Indian Codes, included in the schedule, or amends any clause of an Act passed by the Indian legislature after the new scheme has come into operation which, by the terms of the Act itself, is specially protected. It will be found on examination of the provincial list that under these proposals there are a number of important provincial subjects on which the provinces will be free to legislate without previous sanction, while in other cases, where the freedom is not complete, the limitations proposed affect a small portion of the subject only. The freedom of the province to legislate on these subjects without previous sanction will, it is contemplated, give rise to a corresponding constitutional practice under which the Indian legislature will refrain from legislation on these subjects.

34. The proposal that a provincial Bill, affecting any power expressly reserved by existing statutes to the Governor-General in Council, should require previous sanction will be recognized as reasonable, but it should be noted here that the number of cases in which such power is reserved with regard to provincial subjects will be greatly reduced when legislative effect has been given to the proposals contained in the departmental memoranda which we have received from the Government of India.

35. It will be observed that among the changes which it is proposed to introduce into section 79 is the omission from sub-section (3) of clause (*e*), which has hitherto required previous sanction for any provincial Bill "affecting the religion or religious rites and usages of any class of British subjects in India." This clause is wide in its terms, and the requirement of previous sanction in respect of Bills falling under this clause has seriously hampered initiative. The proposed exclusion of Bills falling under this head from the class of Bills which require previous sanction raises the question whether the general relaxation proposed of the provisions as to previous sanction does not necessitate the creation of some other machinery whereby, in the case of certain classes of Bills, it will be possible to secure, at a later stage, an opportunity for consultation between the provincial Government and the Government of India, before such finality has been reached as to leave no course open to the Governor-General between assent and veto. It is suggested in the Joint

Report (para. 254) that it should be open to the Governor-General in future to reserve provincial Bills for the signification of His Majesty's pleasure thereon, in the same way as he is now able to reserve Indian Bills under section 68 of the Government of India Act. The adoption of this plan will not, however, meet the point which we now have in view. The plan which we propose embodies another suggestion contained in the same paragraph, that the Governor should have a discretionary power to return a Bill to his Legislative Council for re-consideration of the provisions which it contains, and links with the adoption of this suggestion a provision enabling the Governor in certain cases to reserve a Bill for the consideration of the Governor-General, instead of himself either assenting or withholding assent.

36. The following are our proposals with regard to the reservation of provincial Bills by the Governor for the consideration of the Governor-General :—

Proposed provisions as to reservation of provincial Bills :—

(1) In the case of any Bill passed by the provincial Legislative Council and presented to the Governor for his assent, the Governor may, according to his discretion, but subject to the provisions of the next succeeding paragraphs as to reservation of Bills, either

(*a*) assent, or
(*b*) withhold assent, or
(*c*) return the Bill with a recommendation for its amendment.

(2) In the case of any Bill, not previously sanctioned by the Governor-General, presented for the Governor's assent which either

(*a*) appears to the Governor to affect any matter specially committed to his charge under his Instructions, or

(*b*) though primarily relating to provincial subjects, appears to him incidentally to affect any All-India subject, or

(*c*) appears to him to affect the interests of any other province,

the Governor may reserve the Bill for the consideration of the Governor-General.

(3) In the case of any Bill not previously sanctioned by the Governor-General presented for the Governor's assent which either

(*a*) appears to him to affect the religion or religious rites or usages of any class of British subjects in British India, or

(*b*) contains provisions regulating the constitution or functions of any university, or

(*c*) contains provisions which have the effect of including within a transferred subject matters belonging to reserved subjects, or

(*d*) provides for the construction or management of a light or feeder railway or tramway, other than a tramway within a municipal area,

the Governor shall, unless he is otherwise directed by the Governor-General, reserve the Bill for the consideration of the Governor-General.

(4) The following provisions shall apply to any Bill reserved for the consideration of the Governor-General under the preceding paragraphs :—

(*i*) The Governor may, at any time within six months of the date of the reservation of the Bill, with the consent of the Governor-General but not otherwise, return the Bill for further consideration by the Council with a recommendation that the Council shall consider amendments thereto, and such Bill, when so returned, together with any recommendations relating thereto, shall be dealt with by the Council either in Council or in Grand Committee, according to the procedure applied to the Bill in the first instance, provided that, if the Bill is of such a nature as to be subject to his certifying power, the Governor may certify the Bill with any amendment recommended at this stage, though the Bill had previously not been certified.

(*ii*) After any Bill so returned has been further considered by the Council, either in Council or in Grand Committee, together with any recommendations made by the Governor relating thereto, the Bill, if re-affirmed in accordance with the appropriate procedure, with or without amendment, may be again presented to the Governor.

(*iii*) The Governor shall not be bound to reserve a second time any Bill falling under the provisions of clause (3), but may again reserve such Bill if he thinks fit.

(*iv*) Any Bill reserved for the consideration of the Governor-General shall, if assented to by the Governor-General within a period of six months from the date of such reservation, become law on due publication of such assent, but, if not assented to by the Governor-General within such period of six months, shall lapse and be of no effect, unless before the expiration of that period either

(*a*) the Bill has been returned by the Governor for further consideration by the Council, or

(*b*) in the case of the Council not being in session, a notification of the Governor's intention so to return the Bill at the commencement of the next session has been published in the gazette.

37. It will be observed that the above proposals divide the Bills to which the procedure of reservation is to apply into two classes, and that, while in the case of the first class the adoption of this procedure is left to the Governor's discretion, in the case of the second it is made compulsory. The first class, where the Governor has discretion as to whether he will reserve or not, includes Bills which appear to the Governor to affect any matter specially committed to his charge under his Instructions, or to affect any All-India subject, or to affect the interests of any other province. The second class, as to which the reservation procedure is proposed to be made compulsory, includes Bills which appear to the Governor to affect the religion or religious rites and usages of any class of British subjects in India, university Bills, Bills which shift the boundaries between transferred and reserved subjects, and railway or tramway Bills.

38. These two sets of proposals as to previous sanction and reservation should be taken together. Their adoption will greatly reduce the legislative sphere to which previous sanction applies, and will thus give the provinces much greater freedom in legislation, whilst it will also provide an opportunity for an *interim* examination by the Government of India, and a reasonably effective means of securing the removal of defects in the case of legislative measures affecting the Government of India or interests which it is their special duty to protect, instead of leaving open to the Governor-General no course between assent and veto.

39. Under these proposals as to previous sanction and reservation, provincial Bills will fall into four classes:—

(*i*) Bills requiring previous sanction,

(*ii*) Bills in respect of which reservation is compulsory,

(*iii*) Bills in respect of which reservation is optional, and

(*iv*) Bills which are subject neither to reservation nor to previous sanction.

The important distinction, however, is the distinction between the first class and the other three classes. If provincial legislation on a subject requires previous sanction, it follows that there is to be no constitutional or conventional barrier against the intervention of the Indian legislature in that subject. On the other hand, where the province has freedom to legislate without previous sanction, it is working in its own legislative sphere, and constitutional practice will normally forbid the Indian legislature from invading that sphere.

40. There remains, however, a special case for consideration, namely, legislation affecting a certain class of provincial subjects as to which it seems

expedient, while giving freedom to provincial legislatures, also to preserve the full authority of the Indian legislature. The subjects falling into this class are subjects in which the backwardness or laxity of one province is specially liable seriously to endanger the interests of other provinces. They all have to do with health, either that of human beings, or that of animals or plants. The measures which we have in view may be classified under four heads :—

(*i*) Prevention of infectious or contagious disease (forming part of the general subject of public health),

(*ii*) Prevention of diseases among animals,

(*iii*) Prevention of plant diseases, and

(*iv*) Measures to be taken against destructive insects and pests.

In regard to these matters, we recommend that it should be definitely recognized that it is open to the Indian legislature to legislate, notwithstanding that they fall within the limits of provincial subjects which are not classified as subject to Indian legislation. The provinces will, however, retain their own freedom to legislate on these subjects without previous sanction, except that, where the Indian legislature passes a law of general application dealing with these subjects, it will be open to that legislature to prescribe that a provincial legislature shall not be competent to amend such a law without obtaining previous sanction *

41. In making the above recommendation we do not leave out of consideration one of the alternatives mentioned in paragraph 212, namely, that the Indian legislature should pass legislation which might be adopted either *simpliciter* or with modifications by any province which may wish to make use of it. We agree that this form of legislation should be recognized as within the scope of the Indian legislature as regards any provincial subject, and that such legislation should not be regarded as involving any invasion of the provincial field. But, as the adoption of such model legislation passed by the Indian legislature is to be left entirely to the discretion of the province, the acceptance of this plan does not adequately provide for such conditions as are referred to in the preceding paragraph.

* Reference may be made to existing All-India Acts relating to matters dealt with in this paragraph, *viz.*, Epidemic Diseases Act, Destructive Insects and Pests Act, Glanders and Farcy Act, Live-stock Importation Act and Dourine Act.

PART 3.—LISTS OF ALL-INDIA AND PROVINCIAL SUBJECTS.

These lists are to be read subject to the following Rules of interpretation :—

I The effect of a provision in the list of provincial subjects that any matter shall be "subject to Indian legislation" is that legislation regulating that matter and powers reserved by such legislation to the Governor-General in Council are made an All-India subject, and that the provincial legislature is precluded from legislating thereon without previous sanction. The use of the phrase "subject to Indian legislation" is not, however, intended to exclude the alternative of a matter being dealt with by imperial legislation, *i.e.*, by an Act of the Parliament of the United Kingdom, or by rules made under such an Act.

II. Any matter included in the Provincial List is, to the extent of such inclusion, to be deemed to be excluded from any All-India subject of which, but for such inclusion, it would form part.

ALL-INDIA SUBJECTS

Subjects	Remarks
1. His Majesty's Naval, Military and Air Forces in India, including Royal Indian Marine and volunteers, but excluding military police maintained by provincial Governments.	
Naval and military works and cantonments.	
2. External relations, including naturalisation and aliens.	
3. Relations with Native States.	
4. Any territory in British India other than a province mentioned in the schedule.	The schedule will include the eight provinces to which the reform scheme applies.
5. Excluded areas.	These are the backward areas referred to in paragraph 199 of the Joint Report which it is suggested should be administered by the Governor under the control of the Government of India.
6. Communications—to the extent described under the following heads :—	
(*a*) Railways and tramways, except tramways within municipal areas, and except in so far as provision may be made for construction and management of light and feeder railways and tramways, other than tramways within municipal areas, by provincial legislation enacted in accordance with procedure to be prescribed by standing orders of the provincial Legislative Council :	These standing orders of the provincial Legislative Council should require that, before any Bill providing for construction and management of a light or feeder railway is introduced in the Council, sufficient notice of the proposals contained in such Bill shall be given to the Railway Board and to such other parties as may be prescribed, and that the Bill shall be dealt with by procedure similar to that applied to private Bills under British Parliamentary practice, and further that any such Bill shall, after being passed by the provincial Council, be reserved for the consideration of the Governor-General.

Subjects.	Remarks.
(*b*) Roads, bridges or ferries declared by the Governor-General in Council to be of military importance:	
(*c*) Aircraft:	
(*d*) Inland waterways, to an extent to be declared by or under Indian legislation.	The position regarding inland waterways is indicated in paragraph 15.
7. Shipping and Navigation (including shipping and navigation on inland waterways in so far as declared to be under Indian control in accordance with 6 (*d*).)	It is suggested that wide powers should be delegated to local Governments to enable them to regulate local shipping traffic, *e.g.*, coasting vessels plying between ports in the same province, especially as regards accommodation provided for passengers.
8. Light-houses, beacons and buoys.	
9. Port quarantine and marine hospitals.	
10. Ports declared to be major ports by or under Indian legislation.	
11. Posts, telegraphs and telephones.	
12. Sources of imperial revenue, including customs, cotton excise duties, income-tax, salt, stamps (non-judicial).	
13. Currency and coinage.	
14. Public debt of India	
15. Savings banks.	
16. Department of the Comptroller and Auditor-General.	The proposals regarding audit and accounts are indicated in paragraph 73
17. Civil Law, including laws regarding status, property, civil rights and liabilities and civil procedure.	
18. Commerce, including banking and insurance.	
19. Trading companies and other associations.	

ALL-INDIA SUBJECTS—*contd.*

Subjects	Remarks.
20. Control of production, supply and distribution of any articles in respect of which control by a central authority is declared by or under Indian legislation essential in the public interests, and control of cultivation and manufacture of opium and sale of opium for export.	
21. Control of petroleum and explosives.	The law regarding petroleum and explosives is at present under the direct control of the Government of India and uniformity of law and administration is desirable.
22. Geological survey.	
23. Control of mineral development, in so far as such control is reserved to the Governor-General in Council under rules made or sanctioned by the Secretary of State, and regulation of mines.	The rules regulating the grant of licenses to prospect for minerals and the grant of leases of mines and minerals are made by the Governor-General in Council and sanctioned by the Secretary of State in Council. Mining administration is now controlled by the Government of India and there is a small expert department of Inspectors working freely all over India. It would be impossible without great extravagance and loss of efficiency for each province to have its own expert staff.
24. Inventions and designs.	
25 Copyright.	
26. Emigration and immigration and inter-provincial migration.	It is considered desirable to make inter-provincial migration an All-India subject to be administered by the provincial Governments as agents.
27. Criminal Law, including criminal procedure.	
28. Central police organization and railway police.	
29. Control of possession and use of arms.	
30. Central institutions of scientific and industrial research, including observatories and central institutions for professional or technical training.	
31. Ecclesiastical administration.	The expenditure is incurred entirely by the Government of India. The Bishops and clergy are under the administrative control of the local Governments, except that the Bishop of Calcutta as Metropolitan is under the control of the Government of India. As a large portion of the expenditure is on behalf of the army, the subject must be an All-India one.

ALL-INDIA SUBJECTS—*contd.*

Subjects.	Remarks.
32. Survey of India.	
33. Archæology	The expenses of the Archæological officers and establishments (except in Madras) are borne by the Government of India, while the cost of excavation, exploration and maintenance is provincial, though the Government of India assist by grants-in-aid. The Director-General of Archæology and his officers are under the control of the Government of India, while the local officers (Superintendents and Assistant Superintendents), whose work in some cases extends over more than one province, are under the executive orders of the local Government in whose jurisdiction their headquarters lie. The Government of India suggest that Archæology should be classed as an All-India subject.
34. Zoological survey.	
35. Meteorology	
36. Census and Statistics.	It will be necessary to provide that the Governor-General in Council shall have full power to obtain returns and information from local Governments on any subject in such form as he may prescribe.
37. All-India Services.	*Vide* Section IV.
38. Legislation in regard to any provincial subject, in so far as such subject is stated in the Provincial List to be subject to Indian legislation, and any powers relating to such subject reserved by legislation to the Governor-General in Council.	
39. All matters expressly excepted from inclusion in the Provincial List.	
40. All other matters not included in the list of provincial subjects.	

PROVINCIAL SUBJECTS.

1. Local self-government, that is to say matters relating to the constitution and powers of municipal corporations, improvement trusts, district boards, mining boards of health and other local authorities established in the province for purposes of local self-government, exclusive of matters arising under the Cantonments Act, and subject to Indian legislation (*a*) as regards powers of such authorities to borrow otherwise than from a provincial Government, and (*b*) as regards the levying by such authorities of taxation not included in the schedule of municipal and local taxation (*c*, para-

PROVINCIAL SUBJECTS—*contd.*

Subjects.	Remarks.
2. Medical administration, including hospitals, dispensaries and asylums and provision for medical education.	Legislation regarding the status and civil rights and liabilities of lunatics is an All-India subject and the Lunacy Act is included among the Indian Acts which cannot be amended without previous sanction. The question of medical registration falls under head 42.
3. Public health and sanitation and vital statistics.	The Committee consider that the Indian legislature should have concurrent power to legislate regarding protection against infectious and contagious diseases (*v.* paragraph 40).
4. Education (excluding—	*v.* paragraphs 15 and 45.
(1) the Benares Hindu University	The Benares Hindu University is not a provincial but an All-India university.
(2) Chiefs' Colleges),	Chiefs' Colleges concern Native States.
subject to Indian legislation—	
(*a*) controlling the establishment, and regulating the constitutions and functions of new universities ; and	
(*b*) defining the jurisdiction of any university outside its own province ;	
and, in the case of Bengal, for a period of five years from the date when the reforms scheme comes into operation, subject to Indian legislation with regard to the Calcutta University and the control and organisation of secondary education.	
5. Public Works included under the following heads :—	
(*a*) Provincial buildings :	
(*b*) Roads, bridges and ferries, other than such as are declared by the Governor-General in Council to be of military importance :	
(*c*) Tramways within municipal areas; and	
(*d*) Light and feeder railways, tramways, other than tramways within municipal areas, in so far as provision is made for their construction and management by provincial legislation in accordance with procedure to be prescribed by standing orders of the provincial Legislative Council.	*Vide* note to item No. 6, All-India List.

Subjects	Remarks.
6. Irrigation and canals, drainage and embankments, and water storage, subject to such control of the Governor-General in Council in the case of works affecting another province, territory or State as may be provided in Indian legislation.	
7. Land Revenue administration, as described under the following heads :— (*a*) Assessment and collection of land revenue : (*b*) Maintenance of land records, survey for revenue purposes, records of rights : (*c*) Laws regarding land tenures, relations of landlords and tenants, collection of rent : (*d*) Court of Wards, encumbered and attached estates : (*e*) Land improvement and agricultural loans : (*f*) Colonization and disposal of Crown lands and alienation of land revenue.	
8. Famine relief.	
9. Agriculture, including research institutes, experimental and demonstration farms, introduction of improved methods, provision for agricultural education, protection against destructive insects and pests and prevention of plant diseases.	(9) and (10) The Committee consider that the Indian legislature should have concurrent power to legislate regarding protection against destructive insects and pests and prevention of diseases of plants and animals, see paragraph 40.
10. Civil Veterinary Department, including provision for veterinary training, improvement of stock, and prevention of animal diseases.	
11. Fisheries.	

PROVINCIAL SUBJECTS—*contd.*

Subjects	Remarks.
12. Co-operative Societies, subject to Indian legislation.	
13. Forests, including preservation of game therein.	
14. Land acquisition, subject to Indian legislation as regards acquisition of land for public purposes.	It is considered that in the case of land required for industrial purposes it should be open to the parties concerned to promote private Bills in the provincial legislatures.
15. Excise, that is to say the control of production, manufacture, possession, transport, purchase and sale of alcoholic liquor and intoxicating drugs, and the levying of excise duties and license fees on or in relation to such articles, but excluding, in the case of opium, control of cultivation, manufacture and sale for export.	*v.* note to item 11, List of Provincial Subjects for Transfer.
16. Administration of justice, including constitution, maintenance and organization of Courts of justice in the province, both of civil and criminal jurisdiction, but exclusive of matters relating to constitution and powers of High Courts and subject to Indian legislation as regards the constitution and powers of Courts of criminal jurisdiction.	
17. Provincial law reports.	
18. Administrator-General and Official Trustee, subject to Indian legislation.	
19. Judicial stamps, subject to Indian legislation as regards amount of court fees levied in relation to suits and proceedings in the High Courts under their Original Jurisdiction.	This limitation is necessary owing to the existing position with regard to fees levied in relation to suits and proceedings on the Original Side of the High Courts under their rules.
20. Registration of deeds and documents, subject to Indian legislation.	
21. Registration of births, deaths and marriages, subject to Indian legislation for such classes as the Indian legislature may determine.	Existing Indian legislation provides for the following classes, *viz.*, members of every race, sect or tribe to which the Indian Succession Act, 1865, applies, and all persons professing the Christian religion.
22. Religious and charitable endowments.	Bills affecting religion or religious rites or usages will be reserved for the consideration of the Governor-General (*v.* paragraph 38).

	Remarks
24. Development of industries, including industrial research and technical education.	The report of the Industries Commission has been followed in attaching technical education to the Industries Department.
25. Industrial matters included under the following heads:— (*a*) Factories: (*b*) Settlement of labour disputes: (*c*) Electricity: (*d*) Boilers: (*e*) Gas: (*f*) Smoke nuisances; and (*g*) Welfare of labour, including provident funds, industrial insurance (general, health and accident) and housing; subject as to (*a*), (*b*), (*c*) and (*d*) to Indian legislation.	Inspectors of Factories, Electricity and Boilers are provincial officers under the control of the local Governments, but we consider that there are strong grounds for maintaining uniformity in regard to the four matters which are made subject to Indian legislation. As regards the other subjects, especially those included under "Welfare of labour," it is desirable to give the provinces freedom of initiative.
26. Adulteration of food-stuffs and other articles, subject to Indian legislation as regards export trade.	
27. Weights and measures, subject to Indian legislation as regards standards.	
28. Ports, except such ports as may be declared by or under Indian legislation to be major ports.	
29. Inland waterways, including shipping and navigation thereon so far as not declared to be under control of the Government of India, but subject as regards inland steam vessels to Indian legislation.	
30. Police, other than railway police.	As regards railway police the provinces will no doubt continue to act as agents of the Government of India, but the control must remain with the Government of India, owing to difficulties regarding jurisdiction and the contributions of the railway companies.

Subjects.	Remarks.
31. Miscellaneous matters :—	The object of including these items in the Provincial List is to give the provinces freedom of legislation in regard to them.
(*a*) regulation of betting and gambling :	
(*b*) prevention of cruelty to animals :	
(*c*) protection of wild birds and animals :	
(*d*) control of poisons :	
(*e*) control of motor vehicles, subject to Indian legislation as regards licenses valid throughout British India ; and	
(*f*) control of dramatic performances and cinematographs.	
32. Control of newspapers and printing presses, subject to Indian legislation.	
33. Coroners.	
34. Criminal tribes, subject to Indian legislation.	
35. European vagrancy, subject to Indian legislation.	
36 Prisons and reformatories, subject to Indian legislation.	
37. Pounds.	
38. Treasure trove.	
39. Museums (except the Indian Museum and the Victoria Memorial, Calcutta) and zoological gardens.	

PROVINCIAL SUBJECTS—*contd.*

Subjects.	Remarks.
40. Government Press.	
41. Franchise and elections for Indian and provincial legislatures, subject to Indian legislation.	
42. Regulation of medical and other professional qualifications and standards, subject to Indian legislation.	Under this head will fall the administration of the existing provincial Medical Registration Acts Power is reserved to the Indian legislature in order to secure uniformity and maintain the standards of professional qualifications.
43. Control, subject to Indian legislation, of members of All-India services serving within the province, and of other public services within the province.	
44. New provincial taxes, that is to say taxes included in the schedule of additional provincial taxes (*v.* paragraph 75), so far as not included under previous heads.	
45. Borrowing of money on the sole credit of the province, subject to Indian legislation.	
46. Imposition of punishments by fine, penalty or imprisonment, for enforcing any law of the province relating to any provincial subject, but subject to Indian legislation where that limitation otherwise applies to such subject.	
47. Any matter which, though falling within an All-India subject, is declared by the Governor-General in Council to be of a merely local or private nature within the province.	

Section III.—Transfer of Functions to the charge of Ministers, and Powers of Governor in Council in relation to Transferred Subjects.

Part 1—Transfer of Functions.

42. Under clause III of our Reference we are required to advise as to which of the functions that are to be discharged by provincial Governments can be transferred at the outset in each province to the charge of Ministers. In considering this question we have borne in mind the principles of selection laid down in paragraph 238 of the Joint Report, and we have treated Illustrative List No. II showing transferred subjects, contained in Appendix II to the Joint Report, as the starting point for our deliberations. We have received from the different provincial Governments proposals with regard to the transfer of subjects which have, in most cases, been prepared with special reference to this List.

43. We have summarised in a schedule (Annexure I) the proposals of the different provincial Governments above referred to. These proposals were, however, in some cases put forward subject to important reservations.

His Excellency the Governor of Madras in Council prefaced his scheme for transfer with a note which we quote in full :—

"The views of the Madras Government on the subject of the division of provincial subjects between Ministers and the rest of the Government, as proposed in the Report on Indian Constitutional Reforms, have been set forth in the Hon'ble Mr. Todhunter's letters No. 948, dated 19th October 1918, and No. 1104-A., dated 10th December 1918. As was intimated in those letters the Governor in Council believes that the scheme of dualism outlined in the report is not only unsound in principle but will in practice prove to be unworkable. He decided therefore not to submit any scheme for the division of provincial subjects into two parts. Such a scheme could appropriately be framed only by those who believed diarchy to be both practicable and desirable. As, however, the Government of India have now instructed this Government to prepare such a list and have at the same time conveyed an assurance that the views of the Madras Government, as stated in the letters quoted above, will be placed on the official record of the proceedings of the Reforms Committee dealing with the matter, the subjoined list of transferred subjects is herewith transmitted to that Committee. In transmitting this list to the Committee, His Excellency the Governor in Council requests that, should the Committee desire to include it in any of their published proceedings or reports, the list may be accompanied by the statement that it was framed by this Government in compliance with instructions from the Government of India issued after this Government had expressed their unwillingness to propose any such list.

His Excellency the Governor in Council desires to make it clear that the fact of his framing this list in deference to the wishes of the Government of India must not be taken to indicate that he has in any way withdrawn or receded from the objections he has taken to the whole scheme of diarchy, nor has anything emerged in the course of framing this list which has lessened the objections of the Madras Government to that scheme."

The Government of Bombay in their letter No. 9745 of the 11th November 1918 had submitted to the Government of India an alternative scheme of constitutional reform which involved no division of the Executive Government. They were, they stated, "unable to accept the proposed scheme of Government as one which was likely to work satisfactorily in practice." We understand, however, that one Member of Council, while concurring with his colleagues in their preference for the alternative scheme, was not prepared to agree in the view expressed as to the scheme in the Joint Report. At the time of our visit the Government still held the same views on the main question, and in the note they prepared for our assistance they say: "Experience of Council Government shows at once that, even as a temporary device, the proposed distribution of functions must fail in its objects. Our suggestions detailed below must therefore be regarded as indicating the best scheme we can put forward in the circumstances."

The Punjab Government were also in favour of an alternative scheme which avoided any division of the functions of the provincial Government. In their letter No. 20432 of the 16th November 1918, to the Government of India, it was expressly stated that His Honour the Lieutenant-Governor's suggestions as regards transfer were in no way to be read as derogating from his previously expressed views on the general question.

The scheme prepared by the Chief Commissioner of the Central Provinces for a period of training for self-government did not involve the appointment of a Minister of the status suggested in the Joint Report, nor the transfer of any functions within the meaning of our reference. His note for the Committee accordingly contained no proposal for any such transfer. In preparing at our request a supplementary note on this part of our reference, he specified the subjects which were, in his opinion, least suitable for transfer if the scheme proposed in the Joint Report were finally approved.

A similar reservation was made by the Chief Commissioner of Assam in paragraphs 33 and 34 of his note on Constitutional Reforms. He there enumerates a number of subjects which he regards as suitable for transfer, either immediately or at a later stage, but qualifies his recommendations in the following terms :—

"It is perhaps unnecessary to point out that what I have written in the last two paragraphs is based upon two assumptions—first, that no subject connected with any of the hill districts is included in the portfolio of a Minister; secondly, that the Government of Assam is a corporate Executive Council constituted on the plan which has been recommended both by the Hon'ble Mr. Chanda and by myself I have therefore refrained from using the expressions 'transferred' and 'reserved,' which are not strictly applicable to our scheme"

In his oral evidence, however, the Chief Commissioner stated that, even if the scheme of the Joint Report was adopted, he was ready to adhere to his classification of subjects, so far as the more advanced portions of the province were concerned.

44. A great part of the evidence which we heard in the course of our provincial tour was directed to the question of transfer. In addition to the views of the provincial Governments, which were as a rule put forward by officers appearing as witnesses on their behalf, we received a great mass of information bearing on the work of different departments in the form of written memoranda prepared at our request by the officials concerned. A large number of the officials who appeared before us as witnesses expressed to us their personal views on the suitability of their own departments for transfer, and the advantages or disadvantages which were likely to result from transfer or reservation as the case might be The non-official evidence tended to concentrate itself on this part of our reference. We received from non-official witnesses written statements giving their personal views, or the views of the associations which they represented, both on the more general aspects of the question and on the suitability of particular subjects for transfer, and stress was also laid on the special circumstances of their own provinces. We examined a number of these witnesses at length on the views expressed in their written statements The evidence necessarily ranged over a wide field and it is not possible to convey its effect in a summary, but on the completion of our tour we were in possession of a great quantity of material, which has been of assistance to us in applying to the different subjects the criteria laid down for our guidance in paragraph 238 of the Joint Report, and in judging of the weight to be given to special considerations affecting individual provinces.

45. The conclusions which we have formed on the question of transfer will be found in the list of subjects for transfer which forms Part 3 of this Section of the Report. We do not propose to deal at length with the great variety of issues involved in the preparation of this list, but there are certain points to which it is necessary to refer in order to explain departures from proposals contained in Illustrative List No. II.

(1) *Education*—We refer first to the subject of Education. In dealing with this subject, we have borne in mind the paragraphs of the Joint Report relating to it, especially paragraphs 186 and 187. The suggestion in the Illustrative List is that university education should be reserved while education falling under the following heads—primary, secondary and technical—should be transferred. We have received suggestions for making various divisions of the subject of Education, but we have come to the conclusion that the problem should be treated as a whole, and that any division of education, such as would result from the transfer of primary apart from secondary and university education, or from the transfer of primary and secondary apart from university education, is unsound in theory and would be unworkable in

practice. The actual drawing of the line between either primary and secondary or secondary and university education involves many difficult questions, and any such line, if made the basis of a division, would be bound to produce serious administrative complications. We feel that there is great force in the observation in paragraph 186 of the Joint Report that "the main defect of the system (*i.e.*, the existing system of education) is probably the want of co-ordination between primary and higher education, which in turn reacts upon the efficiency of secondary institutions and, to a great extent, confines university colleges to the unsatisfactory function of mere finishing schools." We have already referred to the recommendations of the Calcutta University Commission, which have an important bearing on the question of the possibility of a division between secondary and university education. We think the situation is fairly summed up in the following sentences extracted from the Fifth Quinquennial Review on the progress of Education in Bengal (paragraph 299) by Mr W. W. Hornell, who is a member of the Calcutta University Commission :—

"The existing educational system of India is an organic whole, no part of which can be modified without affecting vitally the other parts..... It is impossible to attack the problem by compartments Secondary education depends upon primary education and university education upon both"

We have therefore recommended the transfer of education as a whole, subject to the special provisions as to university legislation which are dealt with in paragraph 15, and to the further provisions proposed in the case of Bengal.

It will be seen, however, that we propose to exclude from the transfer European and Anglo-Indian education. Special considerations apply to this part of the educational system, which is organized on a separate basis of its own, and no serious administrative difficulties will arise owing to the reservation of this branch of the work of provincial Education Departments while the rest of their work is transferred.

It is further proposed that special duties in relation to educational matters shall be laid upon the Governor by his Instructions, for the purpose of safeguarding the interests of certain classes and institutions (*v.* paragraph 67).

With regard to technical education, it will be seen that we have assumed that the advice of the Industrial Commission to the effect that technical education should be dealt with by the Department of Industries will be adopted, and we have included it under the general head of 'Development of Industries' as a transferred subject.

(2) *Forests and Irrigation.*—There are two other subjects in regard to which suggestions have been made for a division of administration, namely Forests and Irrigation. Illustrative List II of the Joint Report proposes the transfer of "unclassed and some protected" forests and of "minor irrigation". In both these cases the division would involve placing one service under the control of two authorities in respect of different parts of its work between which no clear distinction is possible. In the case of both Forests and Irrigation, it is possible to detach part of the subject-matter and place it under the administration of a local authority We contemplate the adoption of a plan whereby forests which mainly serve the needs of a village or group of villages may be placed under the management of a panchayat or other local authority (*vide* No. 10 Transfer List). In the case of Irrigation local authorities already in some places have powers regarding drainage and canals of merely local importance, and in Madras and the Punjab there is a recognised class of "minor irrigation works" which are controlled by the Revenue Department ; but the distinction between major and minor works as known to the Irrigation Department cannot be accepted as a basis for division. The memorandum furnished to us by the Public Works Department of the Government of India deals with this point as follows : "This classification does not, as might be expected, bear reference to the size or importance of the works, but only to the source from which the funds are provided. All works constructed from loan funds or from the annual Government of India grant for famine relief and insurance are classed as major, all other works financed from the general revenues of the country, are classed as minor. Thus

the Fuleli Canal in Sind, which irrigates 400,000 acres, is a minor work, while the Khairadatan tank in the Central Provinces, built at a cost of Rs. 90,000 to irrigate 2,500 acres, is a major work. Any division on these lines is therefore meaningless."

(3) *Industries.*—As regards Industries we have not found it possible to draw any clear line between "local" and other industries. Any distinction based on relative importance is rendered difficult by the inter-connection of all industrial matters. The only division we have found possible is between the development of industries (No. 24 Provincial List) and the administration of industrial laws (No 25 Provincial List). The former is recommended for transfer, and the latter for reservation.

46. Several of our Members (Sir Chimanlal Setalvad, Dr. Sapru and Sir Rahim Bakhsh) urged that Land Revenue administration, and with it Irrigation, should be made a transferred subject in Bombay and pointed to the exceptional conditions surrounding the subject in that province. Sir Rahim Bakhsh urged such transfer in respect of the Presidency proper, but excluded Sind. The majority of the Committee could not support the suggested transfer, and, in order to secure unanimity, the minority decided not to dissent. The members of the minority wish, however, to record their desire for transfer in the special case of Bombay, and also an expression of their earnest hope that, in the next revision of the constitution, the whole question should be thoroughly investigated with a view to making Land Revenue administration a transferred subject not merely in Bombay but in the rest of the provinces.

47. It will be observed that we propose that Irrigation should be a reserved subject in all provinces.

Special considerations apply to Bengal. The intimate relation between land revenue and irrigation in other provinces has, apart from any other consideration, precluded us from recommending the transfer of irrigation, though the reservation of this subject involves the division of the Public Works Department, which may cause administrative inconvenience in provinces where the two branches of that department—Roads and Buildings and Irrigation—have hitherto worked with a joint establishment. In Bengal the existence of the permanent settlement fundamentally alters the situation, and irrigation work properly so-called is on a comparatively small scale. The Irrigation Department of the Presidency is mainly concerned with drainage embankments and waterways, and these have a very close connection with problems of sanitation and local self-government. The control of waterways, however, in the network of rivers and channels that spreads over a great part of Bengal raises questions of the greatest difficulty, and mistakes made in comparatively small matters may have far-reaching consequences. The question of control has been under discussion for many years, and proposals, not yet formulated in detail, have been made for the formation of a Waterways Trust, which would probably have its own staff of engineers, and the Government of Bengal consider that if such a Trust were constituted it should be directly under the Government of India. This contemplated Trust would necessarily involve great administrative changes. Notwithstanding, therefore, the separation of irrigation from land revenue in Bengal, and its connection with sanitation and local self-government, we have not been able to recommend the transfer of irrigation in that Presidency.

48. There are certain subjects included in the Provincial List which cannot in themselves be either reserved or transferred, and to these we must briefly refer :—

(1) Public Services (No. 43 in Provincial List). The Section on Public Services defines the position with regard to the authority of Ministers over members of the public services employed in transferred departments.

(2) Financial matters.—Additional provincial taxes, and provincial borrowing (Nos. 44 and 45 in Provincial List). The position with regard to these matters is stated in the Section on Finance (paragraphs 75—80).

(3) Imposition of punishments by fine, penalty or imprisonment for enforcing any law of the province relating to any provincial subject, but subject to Indian legislation where that limitation otherwise applies to such subject (No 46 in Provincial List).

This subject is included in the list for the purpose of defining the legislative powers of the province, but will not form a separate subject for purposes of administration.

(4) Any matter which, though falling within an All-India subject, is declared by the Governor-General in Council to be of a merely local or private nature within the province (No. 47 in Provincial List).

Any new subject allotted to the province under this general provision will be assigned by the Governor either to a reserved or to a transferred department under the power to be given to him in accordance with paragraph 239 of the Joint Report.

49. It is necessary to refer to certain features which in the two provinces of Assam and Bihar and Orissa complicate the questions we have to consider.

In Assam, two-thirds of the whole province are included in hill and frontier tracts, inhabited by simple tribes, governed in patriarchal fashion. These tracts are not represented in the Legislative Council, and local self-government is unknown, except in the municipality of Shillong. At the same time, as the Chief Commissioner points out in paragraph 5 of his note, the Legislative Council has power at present to pass laws which may be applied to the hill tracts, the administration of the hills must be financed from the plains, and the Legislative Council has in the past discussed the budget provision for the hills. He is unwilling to deprive the Council of such rights as it has hitherto enjoyed, and therefore proposes a solution which leaves the Council some semblance of power in respect of these areas, but at the same time he would maintain the existing special methods of control over legislation which appear to us to be inconsistent with any real recognition of the Council's authority.

In our view, if these special methods of control are necessary (and we do not question the opinion of the Chief Commissioner on this point), it is better not to make the pretence of bringing the tracts in which they are required within the scope of the Reform scheme. We have not been able to find any satisfactory *via media* between inclusion and exclusion, and it is not clear that the reservation of *all* subjects in *particular* areas is a course which was contemplated by the authors of the Joint Report. We recommend therefore that the tracts in question should be excluded from the jurisdiction of the reformed provincial Government If our recommendation is accepted, they will be administered by the Governor himself, as proposed in paragraph 199 of the Joint Report.

The exclusion of these hill tracts has an important bearing on our recommendations for transfer in the Assam and Surma Valleys. The question of the transfer of Forests, for example, hardly arises in a province where the greater part of the work of the department lies in excluded areas.

It is much the same with Public Works. Among the most important duties of this department are the construction and maintenance of hill and frontier roads, while, if the proposals of the Public Works Department Re-organization Committee are accepted, the work in connection with roads and buildings in the valleys will be entrusted even more fully than at present to local boards and municipalities.

In the case of Excise, too, the existence of these excluded areas is a determining factor. The opium habit is strong in the population of the Assam Valley, and there is a large consumption of liquor among the coolies of the tea gardens. Both these habits are unfortunately spreading among the hill tribes. Government has done all that it can to check them, but the success of its efforts depends largely on unified control of policy throughout the province. Any weakening of the policy in the plains would necessitate a tightening of control in the hills, where restrictions are difficult to enforce and apt to be

resented. Apart from this, the liquor problem in the tea gardens presents special difficulties. Even as it is, constant complaints are received from the managers of gardens in regard to the location of shops, and it is thought that the difficulties might be increased if the subject were transferred.

It should be noted that in view of the difficulties of communication between the two valleys—the Assam Valley and the Valley of the Surma—their lack of common interests and the different characteristics, religious and racial, of their respective populations, the Chief Commissioner thought it advisable to provide in the scheme he submitted for what almost amounts to a separate administration for each valley. We do not regard it as possible to give effect to this scheme, but we understood from the Chief Commissioner that his recommendations as to transfer were not dependent on its adoption.

50. The position in Bihar and Orissa is somewhat similar. It is fully explained in two letters from the Government of that province, which are printed in Appendix V. The first of these, No. 4097-P., dated the 9th November 1918, was addressed to the Government of India in the Home Department. The second, No. 33-C., of the 6th January 1919, was written in reply to certain enquiries made by us after we had heard the provincial evidence. The backward areas comprise 8 districts out of a total of 21. Their extent is rather less than half the total area of the province, and they contain about a quarter of the whole population.

The proposals made by the local Government in the earlier of their two letters are (1) that the Santal Parganas and Angul, which are the most backward of all the districts in question and are now outside the pale of the ordinary administration, should be excluded altogether from the scope of the Reform scheme and the jurisdiction of the Legislative Council, and should continue to be administered by the Governor in Council, and (2) that "no hard and fast distinction between ordinary districts and the scheduled districts of Chota Nagpur and Sambalpur" should be made "in respect either of legislation or of administration," but that authority should be conferred "by statute on the Governor in Council

(1) to prescribe by notification the portions of the scheduled districts, if any, to which any Act or portion of an Act passed by the Legislative Council shall apply; and

(2) to decide to what portions of the scheduled districts, if any, the jurisdiction of the Minister in respect of any of the transferred subjects or any portion of them shall extend, and when such jurisdiction has been extended, to exclude any portion of the scheduled districts from the application of any order passed by the Minister."

The enquiries in reply to which the second letter was written related to the special purposes for which the Governor in Council should have power to intervene in transferred subjects, with a view to the protection of the primitive inhabitants of the Chota Nagpur and Sambalpur areas, which the local Government proposed to include within the scope of the Reforms scheme, subject to the above safeguards.

The local Government in their reply state that these purposes are general rather than special, and that it is their intention that the power to intervene should be purely discretionary. If such power cannot be given, all the backward areas should be excluded, without exception.

We have been much impressed by the arguments which have been put forward; but, as we have stated in the preceding paragraph, we can find no *via media* between inclusion and exclusion.

At the same time, the exclusion of Chota Nagpur and Sambalpur is open to one objection which does not apply in the case of the hill tracts of Assam. They have representatives in the present Council and will have more in the reformed Council, if the recommendations of the Franchise Committee are accepted. Their presence may perhaps be justified by the fact that the policy pursued in the more advanced areas will necessarily react on these districts, even if excluded. The question as to whether there are portions of the latter

which are in themselves fit for inclusion in the scheme, and could therefore be made the subject of separate treatment, will no doubt receive consideration from the local Government.

In the case of Assam, we found that the problems connected with the backward areas had an important bearing on our recommendations for transfer in the rest of the province, and we have in consequence been unable to advise the transfer either of Excise or Public Works. In Bihar and Orissa we have not been asked by the local Government to make any such allowances in framing our recommendations for transfer of subjects in the more advanced portions of the province, nor have we thought it necessary to do so.

51. Mr. Couchman, after examining the proposals of the Franchise Committee for Madras, which were supplied to him on the 22nd February, feels unable to recommend the transfer of any subject in Madras. He feels that without—

(1) communal representation for non-Brahman caste Hindus,

(2) adequate representation of Panchamas and rural areas, and

(3) residential qualifications for candidates,

it is inevitable that the Brahman minority will capture a large majority of the seats, and that the interests of the masses would not be safe in their hands.

He is prepared to give detailed arguments in support of his views to the Government of India or to the Right Honourable the Secretary of State if so desired.

PART 2.—POWERS OF THE GOVERNOR IN COUNCIL IN RELATION TO TRANSFERRED SUBJECTS.

52. Clause III (2) of the Reference to the Committee requires us to advise as to 'the powers which should be exercised by the Governor in Council in relation to transferred subjects and the grounds on which, and the manner in which, these powers should be exercised', and refers to paragraph 240 of the Joint Report. This paragraph is also referred to in clause I of the Reference as enunciating principles by which the Committee is to be guided.

53. The question of the authority of the Governor himself in regard to transferred subjects is not expressly referred to the Committee, but it is impossible for the Committee to deal with the position as regards intervention by the Governor in Council without making some assumption as to the power to be exercised by the Governor himself. This question therefore arises incidentally.

54. Paragraph 221 of the Joint Report has an important bearing on the questions which we are now considering. This paragraph says—"There are questions upon which the functions of the two portions of the Government will touch or overlap, such, for instance, as decisions on the budget or on many matters of administration. On these questions, in case of difference of opinion between the Ministers and the Executive Council, it will be the Governor who decides." Some of the cases of intervention specially contemplated in paragraph 240, that is to say, intervention in matters which concern law and order, or which raise religious or racial issues, or where the interests of existing services require protection, will certainly fall under the head of cases in which the functions of the two portions of the Government touch or overlap.

55. Paragraph 240, if taken literally, might seem to involve an arrangement whereby the Governor in Council would, in such cases, sit as a sort of Court of Appeal or Review on decisions of the Governor and Ministers, with power, if necessary, to take direct action in the administration of transferred departments for the purpose of giving effect to the conclusions arrived at on such appeal or review. Such a plan is not easy to reconcile with the proposals contained in paragraph 221, and would seem to involve an open interference with a Minister in the conduct of the transferred department, of which he still remained nominally in charge Some of the objections to this plan are indicated in the Government of India Memorandum on the services (Annexure IV, paragraph 17).

56. It will be well to consider at this stage more closely what is to be the list of matters as to which some special safeguard is to be required on the lines indicated in paragraph 240, by action either of the Governor, or of the Governor in Council. The paragraph mentions—

Law and Order,

Religious and racial issues,

Interests of existing services

Subsequent paragraphs of the Report suggest that special safeguards should also be provided for protecting missionary institutions (paragraph 345), for protecting the position of the Anglo-Indian community (paragraph 346) and for securing industries against unfair discrimination (paragraph 344). We think that clauses should be inserted in the Governor's Instructions dealing with the various points on which special safeguards are required Draft clauses on the different points referred to are contained in a later paragraph (*vide* paragraph 67).

57. Paragraph 240 refers only to questions of administration, but in dealing with this matter it is necessary to bear in mind the proposals in paragraphs 252-254 as to legislation and in paragraphs 255-257 as to the budget. The proposal as to the Governor's power of certifying legislation in paragraph 252 suggests that his certificate should refer to his " responsibility for the peace or tranquillity of his province or any part thereof ", and to his " responsibility for the reserved subjects "

58 Taking the situation as a whole, it is apparent that the questions arising in relation to matters intended to be safeguarded under some plan to be devised under paragraph 240 will sometimes be questions which, owing to their contact with reserved subjects, must be treated as mixed questions, and might therefore be held to fall under the provisions of paragraph 221 above referred to, and will sometimes be matters not affecting in any definite way the functions of reserved departments, but involving the Governor's special responsibility under his Instructions. It is necessary to distinguish in any plan proposed between these two classes of cases

59. We will deal first with cases affecting both reserved and transferred departments, to which it will be convenient to refer throughout as " mixed cases " or " mixed questions." These must be considered in the light of paragraph 221 as well as of paragraph 240. It seems desirable to lay down the general principle that the rule with regard to " mixed cases " should, as far as possible, be uniform. It would be difficult, if not impossible, to draw any clear line of distinction between cases arising in a reserved department which affect the administration of a transferred department and cases arising in a transferred department which affect the administration of a reserved department, or to frame a satisfactory and workable rule based on such a distinction.

60. Our proposal, based on this principle, is that, where the functions of reserved and transferred departments touch or overlap, or where the action taken in one department is of such a nature as to affect the interests of the other, the following procedure should be followed :—

(1) The Minister or Member of Council may ask for papers on action taken or proposed to be taken in matters affecting his department.

(2) The matter will be discussed between the Member of Council and the Minister concerned.

(3) If they fail to agree, one or the other will refer the matter to the Governor.

(4) The Governor will see both Member and Minister, either separately or together.

(5) If he fails to settle the matter between them, he will summon a joint meeting of the two sections of the Government, where the matter will be discussed but no vote will be taken.

(6) If, after the discussion, there is still disagreement, the Governor will decide the matter. If his decision involves action by a reserved department, he must obtain the concurrence of his Council in such action or override his Council

under section 50 of the Government of India Act. If the decision taken requires action by the transferred department, the Governor must require the Minister to comply with the decision and to take the action decided on.

(7) If the Minister yields at this stage to persuasion, the action will be taken in the ordinary way by the Governor and the Minister, and the Minister will be responsible for the action taken and will have to defend it in the Legislative Council. If, however, the Minister is obdurate, the Governor will have to dismiss him and find another Minister.

(8) Provision must be made for emergencies in which it will be necessary for immediate action to be taken in relation to a transferred department before another Minister is found to take office. If such an emergency exists, the Governor will certify that the emergency does exist and that immediate action is necessary. On such certificate being given, the Governor in Council will have authority to take action, subject to the obligation of reporting to the Governor-General in Council. If, however, action can be postponed till a new Minister has accepted office, the Governor will appoint the new Minister on the understanding that he will concur in the necessary action, and the action will be taken after his appointment in the ordinary way by the Governor and Ministers.

If this plan is accepted it will be observed that the Governor in Council will only take action in a transferred department in the event of there being an emergency which necessitates action during a ministerial vacancy. That will be the only case of re-entry as long as the department remains a transferred department. Such re-entry will be for a temporary and limited purpose during an interregnum when there is no Minister. Such an interregnum will not normally be long.

61. It is necessary to note that this proposal involves a departure from paragraph 218 of the Joint Report, which proposes that Ministers shall hold office for the lifetime of the Legislative Council. Our proposal assumes that Ministers will hold office during the Governor's pleasure, and that he will have power to dismiss them. This seems essential if deadlocks are to be avoided.

62 There appear to be three main advantages in the plan above proposed· (1) The Minister will never be in the position of being formally overridden by the Governor in Council. If he yields on a point on which his policy comes into conflict with the Governor in Council, he will yield, not to a resolution passed by the official section of the Government, but to the personal judgment of the Governor who is associated with both sections of the Government. (2) The Minister will always be responsible for action in the transferred department in his charge even where such action is deflected by considerations affecting reserved departments. There is a vast difference between responsibility for action in the transferred department, as deflected by such considerations, and direct responsibility for the conduct of the reserved departments, from which it is of the essence of the scheme that the Minister shall be kept free. It is difficult to contemplate such an intermittent responsibility for a transferred department as is involved in the conception of a Minister in his own department being overruled by another authority, and repudiating any responsibility for the action taken, while still continuing to hold office. (3) The overruling of a Minister will always depend in the last resort on the Governor's personal judgment of the situation. The Governor, it may be assumed, will practically never force a view upon a Minister in a matter affecting a reserved subject unless he knows that he has the support of his Executive Council. At the same time he will never be bound, at the bidding of his Executive Council, to take up a position which may force his Minister to resignation, break up his Government and produce a crisis in the Legislative Council.

It may be noted that, in the case of legislation, the Governor alone has to certify under the scheme of the Joint Report, so that this proposal may be said to give him responsibility as to administration similar to that already proposed in the case of legislation.

63. In pursuance of the plan outlined above we propose that, for the purpose of regulating the relations between the two portions of the Government and defining the authority of the Governor, rules should be laid down to the following effect :—

(1) It shall be the duty of the Governor in Council in the case of reserved departments, and of the Governor and Ministers in the case of transferred departments, to take care that the administration is so conducted as not to prejudice or occasion undue interference with the working of any department falling in the other category, and so as not to cast any undue burden upon officers serving under the other department.

(The object of this clause is to lay down a general rule of a reciprocal character as to the relations between the two sections of the Government.)

(2) It shall be the duty of the Governor—

(*a*) to decide any question which may arise as to whether a particular matter falls within the scope of a reserved or of a transferred department (*cf.* paragraph 239 of the Joint Report) :

(*b*) to take care that any order given by the Governor-General in Council is complied with by the department concerned, whether such department is reserved or transferred ; and

(*c*) in the case of disagreement between the Executive Council and Ministers as to action to be taken in any matter which appears to the Governor to affect both a reserved and a transferred department, to give, after due consideration of the advice tendered to him, such decision as the interests of good government may seem to require, provided that, in so far as circumstances admit, before such decision is given, the matter shall be considered by both sections of the Government sitting together.

(3) The Governor's decision in such cases shall be duly recorded and thereafter the matter shall be dealt with in accordance therewith, in the case of action required in a reserved department by the Governor in Council, subject to the provisions of section 50 of the Government of India Act, and in the case of action required in a transferred department by the Governor and Ministers.

(4) If, owing to a vacancy, there is no Minister in charge of a transferred department, and it shall appear to the Governor that it is necessary, by reason of some emergency, to take action in regard to such department notwithstanding such vacancy, the Governor shall certify accordingly, and thereupon it shall be competent for the Governor in Council to take action in regard to such transferred department in the same way as if the department were a reserved department, but only while such emergency continues and such vacancy remains unfilled, and a copy of the Governor's certificate and the particulars of any action so taken shall be forwarded forthwith for the information of the Governor-General in Council.

64. The effect of the Committee's proposals as to the Public Services contained in paragraph 70 will be that the special matters affecting the services on which joint deliberation is to be required will be treated as if they all were, as many of them in fact will be, matters which affect both reserved and transferred departments. Certain other matters referred to in the same paragraph, *e.g.*, the control of services whose pay is debited to more than one head, and alteration in the rules for recruitment when they affect a transferred department, will also fall to be dealt with as " mixed cases."

65. Paragraphs 77, 79 and 80 of the section on Finance contain proposals as the extent to which the rules above suggested for dealing with " mixed cases" should apply to financial matters.

66. The other class of cases contemplated by paragraph 240 remains to be considered, namely cases which are not regarded by the Governor as

affecting both reserved and transferred departments, and therefore do not rank as "mixed cases," but which involve matters which the Governor is specially required to safeguard.

In these cases the necessity for joint deliberation will not arise. It will be for the Governor to discharge the responsibilities specially laid upon him by his Instructions, and, if necessary, for this purpose to overrule either his Executive Council or his Ministers. The position as to giving effect to his decision will be the same as in "mixed cases," that is, it will have to be carried out by that portion of the Government which is immediately concerned. It will always be open to the Governor to submit the matter for joint deliberation, if he so chooses, but there will be no rule requiring him to do so. Should he unfortunately find himself in disagreement with a Minister in some matter in which, in view of his special responsibility under his Instructions, he felt it his duty to insist on his own opinion even at the cost of losing his Minister, and should the Minister resign, then the work of the transferred department during any interval that ensued before a new Minister was appointed would, if the emergency required it, have to be carried on under the authority of the Governor in Council pending the appointment of the new Minister, in accordance with the provisions suggested in paragraph 63 (4) of this Report

67. We recommend that clauses to the following effect should be inserted in the Governor's Instructions. We have already referred to the various matters as to which it has been suggested in the Joint Report that special safeguards are required, and have indicated the manner in which effect may be given to such Instructions (*vide* paragraphs 56, 66) :—

"(1) The Governor shall be specially charged with the responsibility of maintaining peace and tranquillity within his province, and of preventing occasions of religious or racial conflict (*cf.* paragraph 240 of Joint Report).

(2) The Governor shall not sanction the grant of monopolies or special privileges to private undertakings which are inconsistent with the public interest, nor shall he permit any unfair discrimination in matters affecting commercial or industrial interests (*cf.* paragraph 344 of Joint Report).

(3) The Governor shall be charged with the duty of safeguarding the legitimate interests of the Anglo-Indian or Domiciled Community (*cf.* paragraph 346 of Joint Report).

(4) It shall be the duty of the Governor to protect all members of the Public Services in the legitimate exercise of their functions and enjoyment of all recognized rights and privileges (*cf.* paragraphs 240 and 325 of the Joint Report)."

It is recommended that, in order to provide for the protection of special interests in educational matters, clauses should also be included in the Governor's Instructions, requiring him—

(1) to secure that any existing educational facilities specially provided by the provincial Government for the benefit of Muhammadans shall not in the aggregate be diminished :

(2) to take care that no change of educational policy, affecting adversely Government assistance afforded to existing institutions maintained or controlled by religious bodies, is adopted without due consideration (*cf.* paragraphs 240 and 345 of Joint Report); and

(3) (in the case of Madras only) to secure that due provision is made for the educational advancement of depressed and backward classes.

Note.—Mr. Couchman and Mr. Thompson agree with the greater part of Section III, Part 2. They are of opinion, however, that the correct interpretation of those portions of paragraph 221 and paragraph 240 of the Joint Report which are referred to in paragraph 54 is that, while in all ordinary cases

of overlapping paragraph 221 would apply and the Governor would decide, it is not impossible that extreme cases might arise which would justify the exceptional procedure suggested in paragraph 240. In these cases, the Governor in Council would have power to intervene with full effect.

Mr. Couchman and Mr. Thompson think it most important that the Governor in Council should have this power in extreme cases where the maintenance of law and order is at stake, and would therefore entrust the final decision in such cases to the Governor in Council rather than to the Governor personally. They would add at the end of the first sentence of paragraph 60 (6) the words "unless a member of Council asks that the matter should be decided by the Governor in Council, on the ground that the maintenance of law and order is seriously imperilled." If the Minister, after full consideration, declined to identify himself with the orders, they would issue in the name of the Governor in Council.

PART 3.—LIST OF PROVINCIAL SUBJECTS FOR TRANSFER.

Serial No.	Number in provincial list.	Subjects.	Provinces in which transferred.	REMARKS.
	1	Local self-government, that is to say, matters relating to the constitution and powers of municipal corporations, improvement trusts, district boards, mining boards of health and other local authorities established in the province for purposes of local self-government, exclusive of matters arising under the Cantonments Act, and subject to Indian legislation (*a*) as regards powers of such authorities to borrow, otherwise than from a provincial Government, and (*b*) as regards the levying by such authorities of taxation not included in the schedule of municipal and local taxation (paragraph 82).	In all provinces .	It is contemplated that other matters will from time to time be entrusted to local authorities by legislation; where such matters form part of "reserved subjects" the Bill will be reserved for the consideration of the Governor-General (*vide* paragraph 36). The question of control, if any, to be exercised over policemen or watchmen by local authorities should be left to be determined by provincial legislation relating to local self-government. Pounds, where they are managed by local authorities, will come under local self-government.
2	2	Medical administration, including hospitals, dispensaries and asylums and provision for medical education.	In all provinces .	It will be noted that it is proposed to reserve "Regulation of medical and other professional qualifications and standards," and to make this matter subject to Indian legislation (*vide* Provincial List, item 42). The administration of the Medical Registration Acts will thus be reserved, and the power of securing uniformity of standards will remain with the Indian legislature.
3	3	Public health and sanitation and vital statistics.	In all provinces .	"Port quarantine and marine hospitals" is an All-India subject. The Sanitary Department will be responsible for the compilation of vital statistics, but at present in most provinces will have to rely on the services of other departments for their collection.

Serial No.	Number in Provincial list.	Subjects.	Provinces in which transferred.	Remarks.
4	4	Education, other than European and Anglo-Indian education, (excluding— (1) the Benares Hindu University, and (2) Chiefs' Colleges) subject to Indian legislation— (*a*) controlling the establishment, and regulating the constitutions and functions of new universities; and (*b*) defining the jurisdiction of any university outside its own province; and, in the case of Bengal, for a period of five years from the date when the reforms scheme comes into operation, subject to Indian legislation with regard to the Calcutta University and the control and organisation of secondary education.	In all provinces .	Reformatory schools which are controlled by the Education Department should, subject to the concurrence of the Governor in Council in the continuance of this arrangement, be included in the transfer. It is suggested that the Governor shall be required to have special regard to certain interests in education (*vide* paragraph 67). As to the special provisions made regarding universities, *vide* paragraph 15.
5	5	Public Works included under the following heads :— (*a*) Provincial buildings : (*b*) Roads, bridges and ferries, other than such as are declared by the Governor-General in Council to be of military importance : (*c*) Tramways within municipal areas ; and (*d*) Light and feeder railways, tramways, other than tramways within municipal areas, in so far as provision is made for their construction and management by provincial legislation in accordance with procedure to be prescribed by standing orders of the provincial Legislative Council.	In all provinces except Assam.	As to Assam, *vide* paragraph 49. *Vide* note to item No. 6, All-India List.

Serial No.	Number in Provincial List.	Subjects.	Provinces in which transferred.	Remarks.
6	9	Agriculture, including research institutes, experimental and demonstration farms, introduction of improved methods, provision for agricultural education, protection against destructive insects and pests and prevention of plant diseases.	In all provinces.	*Vide* note to item 9, Provincial List.
7	10	Civil Veterinary Department, including provision for veterinary training, improvement of stock and prevention of animal diseases.	In all provinces.	*Vide* note to item 10, Provincial List.
8	11	Fisheries . . .	In all provinces except Assam.	In Assam the restrictive measures taken for the protection of fish have been unpopular, and the administration of fisheries is closely connected with the Land Revenue Department. Mr. Couchman would reserve Fisheries in Madras. He feels that this subject, which is of great importance to the poorer classes of the population, would, if transferred, not receive sufficient attention in Madras, as the higher castes, who take the leading part in political life in that Presidency, do not themselves eat fish and have so far displayed little interest in the subject of Fisheries. The Committee consider that this subject should not be separated from the subjects of Industrial Development and Co-operative Credit, with which in Madras it is intimately connected.
9	12	Co-operative Societies, subject to Indian legislation.	In all provinces.	
10	13	Forests, including preservation of game therein.	In Bombay only .	The existing powers of the Governor-General in Council under the Forest Act will remain, and any provincial legislation affecting them will be subject to previous sanction.

Serial No.	Number in provincial list.	Subjects.	Provinces in which transferred.	REMARKS.
				The Committee consider that any division of the work of the Forest Department is undesirable, but, in places where the main purpose of a forest is to supply the needs of a village or a group of villages, the plan of entrusting the control of the forest to a village committee, panchayat or other local authority, on lines similar to those on which the experiment has been tried in Madras, might be adopted. It will be open to a provincial legislature by amendment of provincial laws relating to local self-government to provide for the adoption of this plan where circumstances render it suitable (*vide* paragraph 45). The Committee's general conclusion is that this subject, Forests, is not suitable for transfer at the outset. In Bombay, however, the Government have proposed the transfer of Forests. The Committee have taken this proposal into account, and also the special circumstances of Bombay, among which may be mentioned the fact that there are no large tracts of forest in excluded areas. They think there is some advantage in trying the experiment of transfer in one province, and regard Bombay as the most suitable province to select.
11	15	Excise, that is to say the control of production, manufacture, possession, transport, purchase and sale of alcoholic liquor and intoxicating drugs, and the levying of excise duties and license fees on or in relation to such articles, but excluding, in the case of opium, control of cultivation, manufacture and sale for export.	In all provinces except Assam.	As to Assam *vide* paragraph 49. With reference to the proposed restriction of the purposes for which the Government of India will exercise their power to intervene in transferred subjects (*v.* paragraphs 16-17), the following points affecting Excise require special mention:— (1) The power of the Government of India to intervene

Serial No.	Number in the visional list.	Subjects	Provinces in which transferred.	Remarks.
				the administration of customs revenue will involve power to control the incidence of excise revenue (*i*) on any liquor which is likely to compete directly with imported liquor, and (*ii*) on any article imported into British India which is liable on importation to the payment of customs duty. (2) With regard to provincial action restricting the introduction into a province of excisable articles the position will be as follows :— The Government of India will be entitled to intervene, in the case of excisable articles imported from outside British India, to protect their customs duties, and, in the case of excisable articles in transit from or to other provinces, territories and States of India, for the purpose of protecting the interests of such other provinces, territories or States. (3) The Government of India will be entitled to intervene in matters affecting the supply of excisable articles to His Majesty's forces. In Madras and Bombay, Excise, Salt and Customs are dealt with under a unified system of administration. Salt and Customs are All-India subjects, and the question of making arrangements for the separate administration of these subjects when the transfer of Excise takes effect will require consideration by the Government of India. Mr. Couchman would not transfer Excise in Madras in view of the importance

Serial No.	Number in the Provincial List.	Subjects.	Provinces in which transferred.	REMARKS.
				of Excise as a source of revenue in Madras, he thinks it would be unwise to jeopardize it. He is also apprehensive that popular control of the liquor traffic may lead to an increase in drunkenness and crime in Madras, and points to the experience of Pondicherry, where the consumption per head of population is nearly fifteen times that of the adjoining portions of the Madras Presidency. The Committee do not consider that the position in Madras is such as to justify the reservation of this subject.
12	20	Registration of deeds and documents, subject to Indian legislation.	In all provinces.	
13	21	Registration of births, deaths and marriages, subject to Indian legislation for such classes as the Indian legislature may determine.	In all provinces .	*Vide* note to item 21, Provincial List.
14	22	Religious and charitable endowments.	In all provinces .	*Vide* paragraph 15.
15	24	Development of industries, including industrial research and technical education.	In all provinces .	The Committee have been unable to draw any dividing line between "local" and other industries (*vide* paragraph 45).
16	26	Adulteration of food-stuffs and other articles, subject to Indian legislation as regards export trade.	In all provinces .	It is considered that the functions of the provincial Government under this head will mainly be discharged through or in conjunction with local authorities.
17	27	Weights and measures, subject to Indian legislation as regards standards.	In all provinces.	
18	39	Museums (except the Indian Museum and the Victoria Memorial, Calcutta) and zoological gardens.	In all provinces.	

Section IV—Public Services.

68. We propose to deal in this section of our Report with the following points affecting public services which fall within our reference, *viz* :—

(1) The functions which should be discharged by provincial Governments in relation to the public services,

(2) The control that should be retained by the Government of India, and

(3) The powers which should be exercised by the Governor in Council in regard to members of the public services employed in transferred departments.

69. We have received from the Government of India a Memorandum on "The Public Services under Reforms," which has been of great assistance to us in considering this question. This Memorandum, which forms an annexure to our Report (Annexure IV), has afforded the basis for our consideration of the subject, and we think that our views can most conveniently be stated in the form of a commentary on this Memorandum, with which we are in general agreement in so far as the proposals which it contains relate to matters falling within our reference. The points on which we suggest some modification of these proposals will be dealt with in relation to the paragraphs of the Memorandum in which they appear.

70. For the purpose of dealing with the subject we accept the classification set out in paragraph 3, *viz.*, Indian (which we shall call All-India services), provincial and subordinate. Classification, Para. 3.

No service should be included as an All-India service without the sanction of the Secretary of State, while the demarcation between the provincial and subordinate services should be left to the provincial Governments.

The professional division is, it is assumed, intended to include professional officers recruited on special contracts who do not fall within any of the other three classes. Para. 6.

We consider that any variation in the provincial cadre of an All-India service, whether by way of increase or decrease, should require the sanction of the Secretary of State. The proviso that every new permanent post created in the provinces must be added to the cadre of the service to which its duties most closely correspond does not appear to us to be workable, and for practical purposes the object sought can be attained by requiring previous sanction to the creation of new provincial appointments on a pay of Rs. 1,000 or over, as proposed by the Government of India in paragraph 24. Pay, Paras. 9 and 10.

The temporary additions to the cadre of All-India services should be on salary and allowances not exceeding those permissible for appointments of a similar nature or status within the regular cadre. Para. 11.

We think that it will tend to avoid conflict with the audit authority if the allowances other than acting or exchange compensation allowances are governed by rules made by the local Governments subject to the control of the Government of India. Regulations regarding house rents should be dealt with in the same way. Allowances, Paras. 12-13.

It is assumed that the rules regulating foreign service in Native States will be made by the Government of India. Foreign Service, Para. 14.

We agree that the Governor in Council should not be brought in as a formal agency of arbitration in the grievances of public servants and recommend that the following procedure should be adopted. The statutory rules should provide that no orders affecting adversely emoluments or pensions, no orders of formal censure and no orders on memorials shall be passed with regard to officers of All-India services in transferred departments without the personal concurrence of the Governor. If, as we propose, the Medical Department is transferred, the statutory rules should provide that the private practice of the Indian Medical Service shall be regulated only by the Secretary of State, and that the Governor's personal concurrence shall be obtained to any order Administration and Discipline, Paras. 14-15.

of transfer of an Indian Medical Service officer, because, owing to variations in the value of private practice in different appointments, an order of transfer may seriously affect emoluments. The Instrument of Instructions to the Governor should, in addition to the general provision proposed by the Government of India, provide that, before any order belonging to any of the classes described in the preceding part of this paragraph is passed to the disadvantage of any officer of an All-India service, whether serving in a transferred or reserved department, the Governor shall submit the matter for joint deliberation by both sections of the Government.* Appeals should lie to the Government of India and the Secretary of State against all such orders, except those relating to transfers of Indian Medical Service officers. No officer of an All-India service should be dismissed except by order of the Secretary of State.

When an officer's pay is debited to more than one head and one of these heads is transferred the question of his control for the purpose of posting, promotion and discipline should be dealt with in accordance with the general rules regulating cases where both reserved and transferred departments are affected.

Pending legislation, the existing rules regarding conditions of service should *mutatis mutandis* be binding on the Ministers as regards transferred departments.

Where alterations of rules for recruitment affect a transferred department the matter should be dealt with in accordance with the general rules regulating decisions in cases where both reserved and transferred departments are affected.

We consider that in the case of existing members of provincial services the procedure suggested in the case of members of All-India services should apply, with the proviso that there should be no appeal to the Secretary of State where the present rules do not allow such an appeal. In the case of future entrants to the services there need be no provision for joint deliberation before the passing of orders of the kind described, but all such orders, and an order of dismissal, should require the personal concurrence of the Governor, and an appeal should lie only to the Government of India.

It is suggested that as far as possible the members of All-India services should be secured in the benefits of the conditions under which they were recruited. It is recognised that the Secretary of State reserves the right to alter those conditions, but in practice the principle is accepted that such alterations shall not press harshly on the members of the services and we consider that this principle should be formally recognised in the future.

We are of opinion that it would not be within the terms of our reference to consider the proposal that in certain circumstances officers of the public services should be granted permission to retire on proportionate pensions.

As the proposal for a Public Service Commission is only in its initial stage we do not feel able to express an opinion upon it.

71. There are two further questions to which we wish to refer here. There are certain medical appointments which are in the gift of the Government of India; we do not intend that our proposals should be taken as altering this arrangement, any modification of which should rest with the Government of India. Similarly, though the post of Director of Public Instruction is not included in the provincial cadres of the Indian Education Service, the position is made clear by the following quotation from the Government of India Resolution No. 679 of the 12th September 1906: "The latter Resolution (of 4th September 1886), while not giving members of the Education Service an absolute claim to succeed to the post of Director, contemplated that, before appointing a person not belonging to the service, local Governments should, in the event of their considering it desirable to fill the post otherwise than from the local educational staff, seek the assistance of the Government of India, with a view to procuring a suitable selection from the Educational Department of some other province." This position we do not desire to disturb.

* Mr. Cauchman and Mr. Thompson are unable to support this recommendation so far as it affects officers serving in reserved departments, except where a transferred interest is concerned. They consider that the Committee should not enter into the question of the right of Ministers to influence the administration of reserved subjects, and they regard the recommendation in so far as it affects the officers referred to, where transferred interests are not concerned, as unnecessary.

Section V—Finance.

72. In regard to the subject of Finance we found it necessary to limit the scope of our inquiries. We have assumed that the finances of the Government of India and of provincial Governments will be separated on the lines proposed in paragraphs 200 to 208 of the Report, and have taken the view that it was not within our scope to consider any modification of these proposals. Again, the control of the Government of India over provincial Governments is at present exercised largely through the rules in the financial codes, but the relaxation of these restrictions will, we understand, be separately considered (*vide* paragraph 292 of the Report), and we have not attempted to deal with the subject. Apart from these important questions, however, we felt that it was part of our duty under the terms of our reference to define as far as possible in the sphere of finance the control to be retained by the Government of India, and to indicate how the functions of the provincial Government as regards finance should in our opinion be apportioned between the Governor in Council and the Governor and Ministers In doing so we have carefully considered a Memorandum on Finance (*vide* Annexure V), with which we were furnished by the Government of India, containing their views on certain changes which will be required in the financial organization, particularly of provincial Governments, under the Reforms scheme. The portions of the Memorandum which we have specially considered fall under the following heads :—

(1) Accounts and Audit (Paragraphs 14, 28 and 29) ;

(2) The position of the Finance Department in the provincial Government (Paragraphs 24 to 27) ;

(3) Taxation for provincial purposes (Paragraph 20) ;

(4) Borrowing on the sole credit of provincial revenues (Paragraph 21) ;

(5) Control over the provincial balances (Paragraph 22).

As will appear from what is said in the following paragraphs we are in general agreement with the proposals contained in the Memorandum under these heads. We may add that we have found it convenient to include in this Section our recommendations regarding the control of the Government of India over taxation and borrowing by local bodies.

Accounts and Audit.

73. The proposals in the Memorandum regarding accounts and audit affect both what may be called "Parliamentary" control over expenditure and the relations of the Government of India with the provincial Governments. In this matter we can only express our concurrence with what is stated in the Memorandum. The procedure proposed in paragraph 29 will enable the Legislative Council to exercise an effective control over expenditure and for the present the existing system of accounts and audit will continue. Under that system—

(1) The provincial accounts will be compiled and audited by a staff appointed, paid for and controlled by the Government of India :

(2) The main framework of the provincial accounts will be settled by the Government of India and the Secretary of State, though the details will, in large measure, be left to the provincial Governments :

(3) The Treasury Officer, though appointed and paid by the provincial Government, will, in matters of accounts procedure, the remittance of treasure and the transfer of funds to and from the currency balance, be bound by the general rules and instructions of the Government of India and by orders issued to him by Accounts Officers.

We note, however, that the Government of India contemplate that with complete provincial autonomy the provincial accounts will be compiled and audited by an entirely separate staff, paid for by the province and for audit purposes subordinate to a provincial Auditor-General.

Position of the Finance Department in the provincial Government.

74. In accordance with the proposals contained in paragraphs 24 to 27 of the Memorandum the Finance Department will be a reserved department and will not be transferred to the control of a Minister (as regards new taxation and borrowing see paragraphs 75—80 below). In relation to transferred departments, however, the functions of the Finance Department will be to advise and criticise, and the final decision will rest with the Minister, subject to the assent of the Governor, which would only be refused "when the consequences of acquiescence would clearly be serious" (paragraph 219 of the Joint Report). We agree that this is the best arrangement. The only comments that appear necessary are the following:—

(*a*) Paragraph 27 (2).—We consider that the report of the Finance Department on the scrutiny proposed in this paragraph should be placed before the Governor in Council or Governor and Minister, as the case may be, but should not be laid before the legislature unless the Governor so directs.

(*b*) Paragraph 27 (2).—We consider that the statement that it will be part of the duty of the Finance Department to discuss the necessity of the expenditure and the general propriety of the proposals put forward calls for the following comment. It is understood that general propriety means in this context general propriety from the financial point of view. There must obviously be limits to criticism by the Finance Department in matters of policy, but these limits must be left to be settled by convention.

(*c*) Paragraph 27 (3).—We consider that the Government of India rule quoted in paragraph 11 of the Memorandum should be adopted in all provinces, *mutatis mutandis*.

(*d*) Paragraph 27 (6) (*b*) and (*c*).—We understand that by the "authority which passed the budget" is meant the Legislative Council. We assume that the Governor by exercise of his special authority under Section 50 of the Government of India Act will still be able in exceptional cases to override the Finance Department in matters falling under (*b*) and (*c*), and we think the position on this point should be made clear.

Taxation for provincial purposes.

75. In paragraph 20 of the Memorandum a list is contained of the additional taxes which provincial Governments might be allowed to impose without the previous sanction of the Government of India. According to the proposals these taxes are to be included in a schedule, which would be established by rule and not by statute, and might therefore be corrected or enlarged in the light of experience. The schedule proposed by the Government of India is as follow:—

Any supplement to revenues which are already provincial, *e.g.*, cesses on the land, enhanced duties on articles that are now excisable, higher court-fees, increased charges for registration etc.

Succession duties.

Duties upon the unearned increment on land.

Taxes on advertisements, amusements (including totalisators) and specified luxuries.

In one point only the schedule appears to us to require modification. It is not clear exactly what forms of land taxation would be covered by the entry "Duties upon the unearned increment on land," and it seems to us desirable that the entry should be so framed as to make the provincial powers of land taxation as wide as possible. We may point out, however, that some forms of land taxation, *e.g.*, a tax on successions or transfers, might be most conveniently collected by means of a stamp duty, and in that case the tax would affect a source of revenue reserved to the Government of India. It ought, we think, to be made clear whether, in such cases, the inclusion of a land tax in the schedule is to exempt provincial Governments from obtaining the previous sanction of the Governor-General under section 79(3)(*a*) of the Government of India Act.

76. In paragraph 257 of the Report it is proposed that, if the residue of the provincial revenues (after the contribution to the Government of India and the allotment for reserved services have been set aside) is not sufficient, it should be open to Ministers to suggest fresh taxation. This feature of the scheme appears to us to fix on the Ministers the responsibility of devising means whereby any deficiency in the public revenues may be made good. It must, therefore, be open to Ministers to initiate within the Government such proposals as may seem suitable for this purpose, and it will be the Minister who will be responsible for placing taxation proposals before the legislature. It seems to us to follow that, when any new tax or any proposed addition to an existing tax requires legislation to give effect to it, the decision whether that legislation should be undertaken must rest with the Governor and Ministers. Further, inasmuch as the whole balance of the revenues of the province (after deducting the contribution to the Government of India, the sums required for the service of the provincial debt and the sums allotted to the reserved services) will be at the disposal of the Ministers for the administration of the transferred departments, we think that, when an existing tax cannot be reduced or remitted without legislation, the decision whether such legislation should be undertaken must also rest with the Governor and Ministers. To the extent indicated above, therefore, taxation for provincial purposes should be regarded as a transferred subject.

It would not necessarily follow, however, that the collection of a new or additional tax would rest with the Ministers. That would ordinarily depend on the agency to be employed in assessing or collecting the tax, a matter which would presumably be settled by the legislation authorising its imposition. The assessment or collection of the tax would, therefore, be reserved or transferred, according as the agency employed belonged to a reserved or to a transferred department.

77. We have considered how far the transfer of provincial taxation discussed above would be affected by the plan proposed for dealing with mixed questions (*vide* paragraph 60). When a taxation Bill is proposed by Ministers, it may appear that some interest, the care of which is entrusted to the Governor in Council, is likely to be prejudiced. In such cases if the Executive Council adhered to its objections it would be for the Governor finally to decide in accordance with the usual procedure. But when a reserved department is affected only because it is proposed to assess or collect the tax through its agency, we think that in that case the Executive Council should be entitled to press their objections only as to the use of the agency, and that the merits or demerits of the tax should be left entirely to the decision of the Governor and Ministers. This would not exclude joint deliberation, and indeed we take it for granted that in practice joint deliberation would invariably precede the introduction of a taxation Bill.

78. We consider that it should be duty of the Finance Department to prepare a report on every taxation Bill proposed to be introduced into the Legislative Council, and that this report should be placed before the Governor and Ministers, but should not be laid before the legislature unless the Governor so directs. The report of the Finance Department should, we think, be confined to the financial aspects of the proposed tax and should not deal with questions of policy.

79. In some departments under the existing law the assessment of revenue or the fixing of the rates of duty is left to executive action, and the question how in these cases variations in the rates of taxation are to be dealt with must be separately considered. Land revenue, for example, is assessed according to certain established principles, and the amount of the assessment does not depend on the financial exigencies of the moment. In the Excise Department, again, the declared policy of Government has been to raise the maximum revenue from the minimum consumption, and, when a higher duty can be imposed without unduly stimulating illicit practices, it may be proper to raise the duty even though no increased revenue is required. In cases such as these it is through the assessment of revenue and the fixing of the rates of duty that the policy under which the department is administered finds its concrete expression, and it is only those responsible for determining policy who can properly

decide. We are of opinion, therefore, that, when alterations in taxation can be effected without any change in the law, the decision whether any alteration should in fact be made must be recognized as resting with the Governor in Council if the department is reserved, and with the Governor and Ministers if it is transferred. It is no doubt true that decisions such as these, as well as the general administration of a law authorizing taxation, must affect the joint financial resources of the Government, but it cannot be admitted that merely on that account both reserved and transferred departments are affected in the sense that a Minister or a Member of Council would be entitled to press his views upon the department directly concerned, and, if his view were not accepted, to ask the Governor to deal with the matter in accordance with the plan proposed for 'mixed cases' (*v.* paragraph 60).

Borrowing on the sole credit of provincial Revenues.

80. The effect of the proposals in the Memorandum appears to be as follows. The provincial Governments must ordinarily borrow through the Government of India; but, subject to the approval of the Government of India as to the method of borrowing, including the rate of interest and the time of borrowing, provincial Governments would be at liberty to borrow in the Indian market in the following cases, *viz.*:—

(1) if the Government of India found themselves unable to raise in any one year the funds which the province required; or

(2) if the province could satisfy the Government of India that there was good reason to believe that a provincial project would attract money which would not be elicited by a Government of India loan.

The funds raised by provincial borrowing should be devoted only to—

(1) expenditure on famine relief and its consequences;

(2) financing of the provincial loan account; and

(3) capital purposes, *i.e.*, expenditure which produces permanent assets of a material character.

When a province borrowed for non-productive purposes it would be required to establish a sinking fund on a basis to be approved by the Government of India.

To these proposals, with which we agree, we have only one addition to make. We are of opinion that borrowing is a matter in which both sides of the Government must be considered to be interested, since the security of the loan will be the whole revenues and assets of the provincial Government. We consider, therefore, that, if after joint deliberation there is a difference of opinion between the Executive Council and the Ministers, the final decision whether a loan should be raised and as to the amount of the loan must rest with the Governor.

Control over provincial balances.

81. In paragraph 22 of the Memorandum certain proposals are made regarding the control of the Government of India over provincial balances. It is suggested that the allowance made for famine expenditure in the new provincial settlements should be earmarked in the provincial balances or invested, unless it is spent on purposes which, in the local Government's recorded opinion, would have a direct and calculable effect in palliating the consequences of drought. Each local Government would also be required to give timely intimation in each year of its intentions as regards drawing on its credit with the Government of India, and would, in the absence of famine or other grave emergency, be obliged to adhere to its programme. On the other hand the existing rules which require a local Government to maintain a certain minimum balance and not to budget for a deficit without higher sanction would be abrogated. These recommendations have our entire concurrence.

Control of the Government of India over local and municipal finance.

82. We have considered how far the Government of India should reserve control over taxation by municipalities and other local bodies. If the matter were left entirely to provincial legislation it might easily happen that local taxes would affect the sources of revenue reserved to the Government of India. Thus for example in several provinces municipalities may impose a tax on persons following professions, trades and callings, including those who hold appointments remunerated by salaries or fees. Such a tax is clearly of the nature of an income-tax, and the Government of India should have full power to protect their own revenues. Again, under the Calcutta Improvement Act three special taxes are imposed, the revenues from which are received by the Improvement Trust, *viz.* :—

(1) A terminal tax on passengers arriving at or departing from Calcutta,

(2) An export tax on jute, and

(3) A duty on all transfers of real property within the municipality of Calcutta.

The first of these taxes, in so far as it takes the form of a surtax on railway tickets, and both the other two, are obviously within the sphere of taxation reserved to the central Government, and in the case of such taxation the previous sanction of the Government of India ought to be required. We are of opinion that a schedule of municipal and local taxation should be prescribed by the Governor-General in Council. The schedule might include all taxes admissible under the existing law of the various provinces, so long as they do not trench on the sphere of the central Government, and should also include all taxes contained in the provincial schedule (*vide* paragraph 75). The previous sanction of the Government of India would then be required to the imposition of any tax not covered by the schedule, or to provincial legislation which empowered local bodies to impose such a tax.

83. We have also considered how far borrowing by local bodies should be subject to the control of the Government of India. Where a local body borrows, as is commonly the case, through the provincial loan account, no special control appears necessary, since either the funds will be provided from provincial balances or the local demand will be incorporated in the provincial loan for the year. Where a local body desires to borrow in the Indian market the Government of India are entitled to exercise control to the same extent and for the same reasons as they control provincial borrowing, though this control may well be relaxed when the loan proposed to be taken is not large in amount. Where the control of the Government of India is reserved by any existing law, the relaxation of that control by legislation would require the previous sanction of the Governor-General.

Proposals of Sir James Meston.

84. We have received from the Government of India two additional memoranda containing important proposals by Sir James Meston as to a plan of dealing with provincial finance different from that set forth in paragraph 257 of the Joint Report. These proposals involve a substantial departure from the scheme outlined in the Report, and necessarily affect some of the points discussed in the foregoing paragraphs. In view of the late stage at which these proposals reached us we are not in a position to express any opinion upon them.

Section VI.—Conclusion.

85. We desire to record our special obligations to the many officers of Government who have assisted us by their expert knowledge, and by rendering available in convenient form the detailed information which it was necessary to obtain for the purpose of enabling us to conduct our enquiry.

The work falling upon the Secretary to the Committee has been unusually exacting. We wish to express our thanks to Mr. J. D. V. Hodge, I.C.S., for the great care and ability which he has devoted to his work in this capacity.

We have the honour to be,

Your Excellency's most obedient servants,

RICHARD FEETHAM,
Chairman.

M. E. COUCHMAN.
RAHIM BAKHSH.
TEJ BAHADUR SAPRU.
C. H. SETALVAD.
H. L. STEPHENSON.
J. P. THOMPSON.
} *Members.*

J. D. V. HODGE.
Secretary.

Delhi, the 26th February 1919.

ANNEXURES.

I.—Schedule of the recommendations of provincial Governments.

II.—Memorandum furnished by the Government of India.

III.—Supplementary Memorandum furnished by the Government of India.

IV.—Memorandum on the Public Services under Reforms furnished by the Government of India.

V.—Memorandum on financial organization furnished by the Government of India.

VI.—List of added members.

VII.—List of witnesses.

APPENDICES.*

I.—Memoranda on certain departments furnished by the Government of India.

II.—Papers furnished by the Government of Bengal.

III.—	do.	do.	Bombay.
IV.—	do.	do.	Madras.
V.—	do.	do.	Bihar and Orissa.
VI.—	do.	do.	Punjab.
VII.—	do.	do.	United Provinces.
VIII.—	do.	do.	Assam.
IX.—	do.	do.	Central Provinces.

X.—Evidence taken by the Committee.

---

* Separately printed.

ANNEXURE I.

SCHEDULE OF THE RECOMMENDATIONS OF PROVINCIAL GOVERNMENTS REGARDING RESERVATION OR TRANSFER OF PROVINCIAL SUBJECTS.

Note 1.—The recommendations of the provincial Governments summarised in this schedule are to be read, in the case of those made by the Governments of Madras, Bombay, the Punjab, the Central Provinces and Assam, subject to the reservations stated in paragraph 43 of the Report.

Note 2.—Madras.—The following general reservation applies to every item in the "List of transferred subjects" prepared by the Government of Madras, *viz.*, that the exercise of provincial powers of taxation and legislation in all subjects, whether transferred or not, should require the sanction of the collective Government.

Note 3.—The Punjab.—The recommendations of the Punjab Government will, in certain cases be found to be qualified by the note "full Government". His Honor the Lieutenant-Governor fears that the overlapping of particular subjects between reserved and transferred departments will give occasion for friction between the two sides of Government. The solution suggested is that matters arising in the administration of a transferred subject which touch the reserved sphere should be referred to the whole Government, the Executive Councillors as well as the Ministers taking part in the decision.

Note 4.—The Central Provinces.—The Chief Commissioner's position is stated in paragraph 43 of the Report. The subjects he has specified as "least suitable for transfer" are entered in the schedule as "reserved"; no entry is made in the case of other subjects.

INDEX.

Serial Number.	Number in Illustrative List I, Joint Report, Appendix II.	Subject.
1	3	Financial work on behalf of the Government of India.
		(a) Income-tax.
		(b) Customs.
2	4	Appointments, conditions of service, and control of all provincial services.
3	5 (i)	Administration of criminal justice, including village courts.
4	(ii)	Police, including railway police.
5	5 (iii)	Prisons.
6	5 (iv)	Criminal tribes.
7	5 (v)	European vagrancy.
8	5 (v)	Seditious meetings, incitements to crime.
9	5 (v)	Press Act.
10	5 (v)	Arms Act.
11	5(vi)	Poisons.
12	5(vii)	Gambling.
13	5 (viii)	Cinematographs and dramatic performances.
14	5 (ix)	Coroners.
15	6	Land Revenue
16	6	Court of Wards.
17	6	Encumbered estates.

Serial Number.	Number in Illustrative List I, Joint Report, Appendix II.	Subject.
18	7	Agriculture.
19	7	Veterinary.
20	8	Forests.
21	9	Fisheries.
22	10	Public Works, roads and buildings.
23	10	Tramways, light and feeder railways.
24		Inland navigation.
25	...	Ports.
26	10	Irrigation.
27	10	Drainage and embankments.
28	11	Education.
29	12	Medical.
30	12	Sanitation.
31	13	Local self-government.
32	14	Franchise.
33	15	Civil justice.
34	15	Registration of deeds and documents.
35	16	Excise.
36	16	Opium.
37	17	Scheduled districts
38	18	Land acquisition.
39	19	Factories.
40	19	Mines.
41	19	Explosives.
42	19	Petroleum.
43	19	Development of arts, crafts and local industries.
44	20	Co-operative credit.
45	21	Business concerns.
46	22	Government Press.
47	23	Registration of births, deaths and marriages.
48	24	Inter-provincial immigration and emigration.
49	25	Cruelty to animals.
50	25	Protection of wild birds and animals.
51	27	Escheats.
52	28	Charitable endowments.
53	29	Motor vehicles.
54	...	Archæology.

1.—FINANCIAL WORK ON BEHALF OF GOVERNMENT OF INDIA.

Name of Province.	Recommendation.	Remarks.
	(a) Income-Tax.	
Bengal	Reserved.	
Bombay	Reserved	Council not unanimous.
Madras	Reserved.	
Punjab	Reserved.	
United Provinces	Reserved.	
Assam	Reserved.	
	(b) Customs.	
Bengal	Reserved.	
Bombay	Reserved	Council not unanimous
Madras	Reserved.	
Punjab	Reserved.	
United Provinces	Reserved.	
Assam	Reserved.	

2.—APPOINTMENTS, ETC., OF PROVINCIAL SERVICES.

Bengal	Reserved.	
Bombay	Reserved	Council not unanimous.
Madras	Reserved.	
Bihar and Orissa	Transferred	Saving power intervention to Governor in Council as in paragraph 240.
Punjab	Reserved.	
United Provinces	Transferred	As regards provincial services, subject to the right of the Governor to protect interests of existing members
Assam	Reserved.	
Central Provinces	Reserved	Except services connected with transferred subjects.

3.—CRIMINAL JUSTICE.

Bengal	Reserved	'Administration of the future village Self-Government Bill' to be transferred: this will include village benches.
Bombay	Reserved.	
Madras	Reserved.	
Bihar and Orissa	Reserved	Village benches non-existent.
Punjab	Reserved	Village benches, appointment to: transferred. Staff presumably appointed by District Magistrates.
United Provinces	Reserved	Including village benches.
Assam	Reserved	Village benches to be transferred eventually.
Central Provinces	Reserved.	

4.—POLICE, INCLUDING RAILWAY POLICE.

Name of Province.	Recommendation.	Remarks.
Bengal . . .	Reserved . .	The Calcutta Alms House and other charitable institutions now administered by the Commissioner of Police, Calcutta, to be transferred. The Calcutta Workhouse to be reserved. Village police to be reserved.
Bombay . . .	Reserved . .	Including village police.
Madras . . .	Reserved.	
Bihar and Orissa .	Reserved .	Including village police.
Punjab . . .	Reserved.	
United Provinces .	Reserved . .	Including village police.
Assam . . .	Reserved.	
Central Provinces .	Reserved.	

5.—PRISONS.

Bengal . . .	Reserved.
Bombay . . .	Reserved.
Madras . . .	Transferred.
Bihar and Orissa .	Reserved.
Punjab . . .	Reserved.
United Provinces .	Reserved.
Assam . . .	Reserved.
Central Provinces .	Reserved.

6.—CRIMINAL TRIBES.

All provinces . .	Reserved.

7.—EUROPEAN VAGRANCY.

Bengal . . .	Reserved . .	Mendicancy in general to be transferred.
Bombay . .	Reserved.	
Madras . .	Reserved.	
Bihar and Orissa .	Reserved.	
Punjab . . .	Reserved.	
United Provinces .	Reserved.	
Assam . . .	Reserved.	
Central Provinces .	Reserved.	

8.—SEDITIONS MEETINGS, INCITEMENTS TO CRIME.

All provinces . .	Reserved.

9.—PRESS ACT.

All provinces . .	Reserved.

10.—ARMS ACT.

All provinces . .	Reserved.

11.—POISONS.

Name of Province.	Recommendation.	Remarks.
All provinces . .	Reserved.	

12.—GAMBLING.

Bengal . . .	Reserved.	
Bombay . . .	Reserved.	
Madras . . .	Reserved.	
Bihar and Orissa ,	Transferred.	
Punjab—		
(a) administration	Reserved.	
(b) legislation .	"Full Government".	
United Provinces .	Transferred.	
Assam . . .	Reserved.	
Central Provinces .	Reserved.	

13.—CINEMATOGRAPHS AND DRAMATIC PERFORMANCES.

All provinces . .	Reserved.	

14.—CORONERS.

Bengal . . .	Reserved.	
Bombay . . .	Reserved.	
Madras . . .	Reserved.	
United Provinces .	Transferred.	

15.—LAND REVENUE.

Bengal . . .	Reserved.	
Bombay . . .	Reserved . .	Council not unanimous.
Madras . . .	Reserved.	
Bihar and Orissa .	Reserved.	
Punjab . . .	Reserved.	
United Provinces .	Reserved.	
Assam . . .	Reserved.	
Central Provinces .	Reserved.	

16.—COURT OF WARDS.

Bengal . . .	Reserved.	
Bombay . . .	Reserved	Council not unanimous.
Madras . . .	Reserved.	
Bihar and Orissa .	Transferred.	
Punjab . . .	Reserved.	
United Provinces .	Reserved.	
Assam . . .	Reserved.	
Central Provinces ,	Reserved.	

17.—ENCUMBERED ESTATES.

Name of Province.	Recommendation.	Remarks.
Bengal . . .	Reserved.	
Bombay . . .	Reserved . .	Council not unanimous.
Madras . . .	Reserved.	
Bihar and Orissa .	Transferred.	
Punjab . . .	Reserved.	
United Provinces .	Reserved.	
Assam . . .	Reserved.	
Central Provinces .	Reserved.	

18.—AGRICULTURE.

Bengal . .	Transferred	Cinchona to be an All-India subject.
Bombay . .	.....	Council not unanimous, but agrees that functions of local Government under Destructive Forests and Pests Act, II of 1914, may be transferred.
Madras . .	Reserved.	
Bihar and Orissa .	Transferred.	
Punjab . .	Transferred	On condition that Governor, Secretary or Head of Department is empowered to bring any matter before "full Government."
United Provinces .	Transferred.	
Assam . .	Transferred	

19.— VETERINARY.

Bengal . .	Transferred.	
Bombay . .	Transferred.	
Madras . .	Reserved.	
Bihar and Orissa .	Transferred.	
Punjab . .	Transferred	On condition that Governor, Secretary or Head of Department empowered to bring any matter before "full Government."
United Provinces .	Transferred.	
Assam . .	Transferred.	

20.—FORESTS.

Bengal . .	Reserved.
Bombay . .	Transferred.
Madras . .	Reserved.
Bihar and Orissa .	Reserved.
Punjab . .	Reserved.
United Provinces .	Reserved.
Assam . .	Reserved.
Central Provinces .	Reserved.

21.—FISHERIES.

Name of Province.	Recommendation.	Remarks.
Bengal	Transferred.	
Bombay	Transferred.	
Madras	Reserved.	
Bihar and Orissa	Transferred.	
Punjab	Transferred.	
United Provinces	Transferred.	
Assam	Transferred	Eventually.

22.—PUBLIC WORKS, ROADS AND BUILDINGS.

Bengal	Transferred.	
Bombay	Transferred	
Madras	Transferred.	(1) The programme of works for execution to be subject to the control of the collective Government. (2) Works costing over Rs. 2½ lakhs to require the administrative approval of the collective Government.
Bihar and Orissa	Transferred	
Punjab	...	The reorganization scheme proposes that roads and buildings should be made over to local bodies. The Punjab Government considers that the small provincial department that will remain should be reserved.
United Provinces	Transferred.	
Assam	Reserved	Except in so far as roads and buildings are transferred to the control of local bodies.

23.—TRAMWAYS, LIGHT AND FEEDER RAILWAYS.

Bengal	Transferred
Bombay	Transferred.
Madras	Reserved.
Bihar and Orissa	Transferred.
Punjab	Transferred.
United Provinces	Transferred.
Assam	Transferred.

24.—INLAND NAVIGATION.

Bengal	Reserved	Waterways Trust, if constituted, to be an All-India subject.
Assam	Reserved.	

25.—PORTS.

Name of Province.	Recommendation.	Remarks.
Bengal . . .	Reserved . .	Including sanitation of ports.
		Waterways Trust, if constituted, to be an All-India subject.
Bombay—		
Ports of Bombay, Karachi and Aden (under Marine Department) .	Reserved.	
'Continental ports' (under Land Revenue Department)	Transferred.	
Madras . . .	Reserved.	

26.—IRRIGATION.

Bengal—		
Major Works (productive and protective) . .	Reserved.	
The rest . .	Transferred.	
Bombay . . .	Transferred . .	The works are under the control of the Public Works Department; the Revenue Department is concerned with the collection of irrigation revenue. The Council is not unanimous as to the transfer of the functions of the Land Revenue Department in connection with irrigation.
Madras . . .	Reserved.	
Bihar and Orissa .	Reserved . .	One Member of Council would transfer minor works.
Punjab—		
(a) 'Major' . .	Reserved . .	The term is not used by the Punjab Government in the technical sense in which it is known to the Irrigation Department (*vide* paragraph 45).
(b) 'Minor' . .	Transferred . .	The Executive Council to have a vote on the question whether a minor canal should be undertaken.
United Provinces .	Reserved.	
Assam . . .	Reserved.	
Central Provinces .	Reserved.	

26.—DRAINAGE AND EMBANKMENTS.

Bengal . . .	Reserved.	
Madras . . .	Reserved.	
Bihar and Orissa .	Reserved. . .	One Member of Council dissents.
Punjab . . .	Transferred . .	New schemes to be voted on by "full Government."
		Irrigation Department's schemes to be a reserved subject.
United Provinces .	Reserved.	
Assam . . .	Reserved.	

28.—EDUCATION.

Name of Province.	Recommendation.	Remarks.
Bengal	Transferred	(a) European education to be reserved. (b) Collegiate, including Calcutta University, to be reserved pending decision as to the future of the University.
Bombay	Transferred.	
Madras	Reserved.	
Bihar and Orissa—		
(a) Primary	Transferred	*i.e.*, vernacular education.
(b) Other	Reserved	Including reformatories
Punjab—		
(a) Primary and middle schools.	Transferred	Provided conditions suggested as to Local Self-Government (item 31) are accepted.
(b) High schools	Transferred.	
(c) Technical and industrial schools.	Transferred	Medical schools to go with medical college (transferred). Engineering schools to go with Public Works Department.
(d) University and colleges.	Transferred	(i) His Honor the Lieutenant-Governor would prefer to reserve the four Government colleges: if this is not done, he suggests that the Governor should have the power to bring questions affecting them before the "full Government." (ii) Questions affecting members of the Imperial Educational Service to be referred to the "full Government." (iii) Aitchison College, if provincialized, to be reserved.
United Provinces	Transferred	The Indian Educational Service to be reserved.
Assam	Transferred	Excluding collegiate.

29.—MEDICAL.

Bengal—		
Medical officers	Reserved.	
State medical institutions.	Reserved.	
Bengal Medical Act, 1914.	Reserved.	
Medical Degrees Act, 1916.	Reserved.	
Leper asylums	Reserved.	
Lunatic asylums	Reserved.	
Charitable hospitals and dispensaries under local bodies	Transferred.	
Medical education	Reserved.	
Bombay	Transferred	Including lunatic and leper asylums.
Madras	Reserved.	
Bihar and Orissa	Transferred	Except medical schools.
Punjab	Transferred	Following matters to be dealt with by "full Government":— (1) Indian Medical Service. (2) Medical Registration Act. (3) King Edward Hospital. (4) Medical Faculty. (5) Additions to cadre of assistant and sub-assistant surgeons for institutions under Executive Council.
United Provinces	Transferred	Including medical education.
Assam	Transferred	Eventually.

30.—SANITATION

Name of Province.	Recommendation.	Remarks.
Bengal	Transferred	Sanitation of ports and shipping to be reserved.
Bombay	Transferred.	
Madras	Reserved.	
Bihar and Orissa	Transferred.	
Punjab	Transferred	Questions concerning officers of reserved services to come before "full Government."
United Provinces	Transferred.	
Assam	Transferred	Eventually.

31.—LOCAL SELF-GOVERNMENT.

Bengal	Transferred	Including Calcutta Improvement Trust.
Bombay	Transferred	Including Bombay Improvement Trust.
Madras	Transferred	Following powers to be reserved to collective Government:— (1) Power to suspend defaulting local bodies. (2) Control of the borrowing powers of local bodies.
Bihar and Orissa	Transferred.	
Punjab	Transferred	But (1) all questions of taxation, (2) all proposals imposing duties on members of the reserved services, (3) all questions as to the discharge of their duties by such officers, (4) irrigation, embankments etc., and (5) police, and possibly other matters involving questions of law and order or contact with reserved subjects, to be dealt with by the "full Government."
United Provinces	Transferred.	
Assam	Transferred.	

32.—FRANCHISE, ETC.

Bengal	Reserved.	
Madras	Reserved.	
Bihar and Orissa	Reserved.	
Punjab	Reserved	Not to be transferred until Commission has reported.
United Provinces	Reserved	Do.
Assam	Reserved	(Governor's portfolio).

33.—CIVIL JUSTICE.

Name of Province.	Recommendation.	Remarks.
Bengal	Reserved	"Administration of the future Village Self-Government Bill" to be transferred; this includes village courts.
Bombay	Reserved.	
Madras	Reserved.	
Bihar and Orissa	Reserved	Village courts non-existent. Private trusts transferred.
Punjab	Reserved	Village courts transferred, but legislative rules in regard to them to come before "full Government."
United Provinces	Reserved	Including village courts and private trusts.
Assam	Reserved	Village courts to be transferred eventually.
Central Provinces	Reserved.	

34.—REGISTRATION OF DEEDS AND DOCUMENTS.

Bengal	Transferred	Appointments which now require the sanction of the Governor to continue to do so.
Bombay	Transferred.	
Madras	Transferred.	
Bihar and Orissa	Transferred.	
Punjab—		
Legislation	All India.	
Administration	Transferred	Questions of discipline affecting reserved services to come before "full Government."
United Provinces	Transferred.	
Assam	Transferred	Eventually.

35.—EXCISE.

Bengal	Transferred.	
Bombay	Transferred	Subject to the remark that the amalgamated service dealing with salt, customs and excise should be reserved.
Madras	Reserved.	
Bihar and Orissa	Transferred.	
Punjab	Reserved	Ministers to be associated with Executive Council, and all proposals for legislation involving penal clauses or taxation to come before "full Government."
United Provinces	Transferred.	
Assam	Reserved.	

36.—OPIUM.

Bengal	Reserved.
Bombay	Transferred.
Madras	Reserved.
Punjab	Reserved.
Assam	Reserved.

37.—SCHEDULED DISTRICTS.

Name of Province.	Recommendation.	Remarks.
Bengal	Reserved.	
Bombay	Reserved.	
Madras	Reserved.	
Bihar and Orissa	...	Special proposals, *vide* para. 50 of the Report.
Punjab	Reserved.	
United Provinces	Reserved.	
Assam	...	Special proposals, *vide* para. 49 of the Report.
Central Provinces	Reserved.	

38.—LAND ACQUISITION.

Bengal	Reserved.	
Bombay	Reserved	Council not unanimous.
Madras	Reserved.	
Bihar and Orissa	Reserved.	
Punjab	Reserved.	
United Provinces	Reserved.	
Assam	Reserved.	

39.—FACTORIES.

Bengal	Reserved.
Bombay	Transferred.
Madras	Reserved.
Bihar and Orissa	Reserved.
Punjab	Reserved.
United Provinces	Reserved.
Assam	Reserved.
Central Provinces	Reserved.

40.—MINES.

Bengal	Reserved.
Madras	Reserved.
Bihar and Orissa	Reserved.
United Provinces	Reserved.
Assam	Reserved.
Central Provinces	Reserved.

41.—EXPLOSIVES.

Name of Province.	Recommendation.	Remarks.
Bengal	Reserved.	
Bombay	Transferred.	
Madras	Reserved.	
Bihar and Orissa	Reserved.	
Punjab	Reserved.	
United Provinces	Reserved.	
Assam	Reserved.	
Central Provinces	Reserved.	

42.—PETROLEUM.

Bengal	Reserved.	
Bombay	Transferred.	
Madras	Reserved.	
Bihar and Orissa	Reserved	
Punjab	Reserved.	
United Provinces	Reserved.	
Assam	Reserved.	
Central Provinces	Reserved.	

43.—DEVELOPMENT OF ARTS, CRAFTS AND LOCAL INDUSTRIES

Bengal	Reserved.	
Bombay	Transferred.	
Madras	Reserved.	
Bihar and Orissa	Transferred	*i.e.*, "cottage industries."
Punjab	...	Judgment suspended pending examination of Industrial Commission's report.
United Provinces	Transferred	"Industries" substituted for "local industries." It is their development only which is to be transferred.
Assam	Transferred.	
Central Provinces	Reserved.	

44.—CO-OPERATIVE CREDIT.

Bengal	Transferred.	
Bombay	Transferred.	
Madras	Transferred.	
Bihar and Orissa	Transferred.	
Punjab	Transferred	On condition that Governor, Secretary or Head of Department empowered to bring any matter before "full Government."
United Provinces	Transferred.	
Assam	Transferred	Eventually.

45.—BUSINESS CONCERNS.

Name of Province.	Recommendation.	Remarks.
Bengal	Reserved.	
Bombay	Transferred.	
Madras	Reserved	Registration of assurances and companies to be transferred.
Bihar and Orissa	Reserved.	
Punjab	Reserved.	
United Provinces	Reserved.	
Assam	Reserved.	

46.—GOVERNMENT PRESS.

Bengal	Reserved.
Bombay	Transferred.
Madras	Reserved.
Bihar and Orissa	Reserved.
Punjab	Reserved.
United Provinces	Transferred.
Assam	Reserved.

47.—REGISTRATION OF BIRTHS, ETC.

Bengal	Transferred	General superintendence to be reserved.
Bombay	Transferred.	
Madras	Reserved.	
Bihar and Orissa	Reserved.	
Punjab—		
(a) By local bodies ...		Part of Local Self-Government.
(b) By village watchmen. ...		To be dealt with by "full Government."
(c) By chaplains, etc.		Reserved.
United Provinces	Transferred.	
Assam	Transferred	Eventually.

48.—EMIGRATION.

Bengal	Reserved	Both to colonies and between provinces.
Madras	Reserved.	
Bihar and Orissa	Reserved.	
Punjab	Reserved.	
United Provinces	Reserved.	
Assam	Reserved.	

49.—CRUELTY TO ANIMALS.

Name of Province.	Recommendation.	Remarks.
Bengal . . .	Transferred.	
Madras . . .	Reserved.	
Bihar and Orissa .	Transferred.	
Punjab . . .	Reserved.	
United Provinces .	Reserved.	
Assam . . .	Reserved.	

50.—PROTECTION OF WILD BIRDS AND ANIMALS.

Bengal . .	Reserved.	
Bombay . . .	Transferred.	
Madras . . .	Reserved.	
Bihar and Orissa .	Transferred.	
Punjab . . .	Transferred.	
United Provinces .	Transferred.	
Assam . . .	Reserved.	

51.—ESCHEATS.

All Provinces . .	Reserved.	

52.—CHARITABLE ENDOWMENTS.

Madras . . .	Transferred	As apart from religious endowments.
Bihar and Orissa .	Transferred.	
Punjab . . .	Transferred.	
United Provinces .	Transferred.	
Assam . . .	Transferred	Eventually.

53.—MOTOR VEHICLES.

Bengal . . .	Reserved.	
Bombay . .	Reserved.	
Madras . . .	Reserved.	
Bihar and Orissa .	Transferred.	
Punjab . .	Reserved.	
United Provinces .	Transferred.	
Assam . . .	Reserved.	

54.—ARCHÆOLOGY.

Bengal . . .	All-India.	
Bombay . . .	Transferred.	
Madras . . .	Reserved.	
Bihar and Orissa .	Reserved.	
Punjab . . .	Reserved.	
United Provinces .	Reserved.	

ANNEXURE II.

MEMORANDUM FOR THE SUBJECTS COMMITTEE.

This memorandum is an attempt to state the views of the Government of India upon the general principles involved in the questions which the Subjects Committee will have to consider. On the basis of these views the Government of India are now dealing separately with cases of the different departments, supplementary memoranda upon which will be transmitted to the Committee. The Government of India hope to discuss further with the Committee the views now put forward after the opinions of the provinces have been received. In this connection the Government of India would find it of great assistance to them if they could receive from the Committee statements showing the substance of the material on which the Committee propose to base their own conclusions.

2. The first basic fact with which the Government of India start is that both the Government of India and the provincial Governments in India are subordinate governments, and the Indian and provincial legislatures are subordinate legislatures. The Imperial* Government and Parliament are alone supreme. A practice of non-intervention may gradually grow up, as it did in the case of the Dominions; but this is not the position at present: and the governments and legislatures in India do not possess uncontrolled power in any respect whatsoever.

3. The second basic fact is that legislative and executive authority must go hand in hand. If a Government, central or provincial, has power to legislate on any matter, it must have a corresponding power to carry out its laws. Wherever there is an overriding power of legislation, there must be a corresponding overriding executive power, with unquestioned capacity to make the overriding legislation effective.

4. The third basic fact is that the Government of India are responsible to the Imperial Government and Parliament for the administration of India. They cannot be divested of that responsibility except by the consent of the Imperial Government and Parliament; and so long as that responsibility attaches to them, they must have the power to enforce it; and such power must be both legislative and executive.

5. Assuming these axioms, the problem before us is to divide the whole field of Indian administration into two classes, central and provincial, in such a way that the Government of India will be directly responsible for the administration of the first, while in regard to the second they will retain only a general responsibility to be exercised under conditions to be discussed later on.

6. The Government of India cannot at present deal with the further question whether any provincial subject is to be administered by the Governor in Council or by Ministers That is a matter to be considered in the provinces first and by the Government of India only when they have received the views of the provinces. Conditions will vary between provinces, and for this reason alone apart from other considerations it is not practical for the Government of India at this stage to deal with the division of provincial subjects into the categories of reserved and transferred. Their immediate object is merely to arrive at the principles which should regulate the classification of functions into central and provincial.

7. There are certain subjects which are at present under the direct administration of the Government of India. The Government of India maintain separate staffs for their administration and the provincial Governments have no share in it. The category is easily recognisable, and for the most part there will not be much room for doubt as to the subjects to be included in it. At the other end of the line are matters of predominantly local interest which, however much conditions may vary between provinces, will generally speaking be recognised as proper subjects for provincialization.

*NOTE.—The Government of India suggest that the term Imperial should be reserved in this discussion for His Majesty's Government and Parliament.

8. Between these extreme categories, however, lies a large indeterminate field which requires further examination before the principles determining its classification can be settled. It comprises all the matters in which the Government of India at present retain ultimate control, legislative and administrative, but in practice share the actual administration in varying degrees with the provincial Governments. In many cases the extent of delegation practised is already very wide. The criterion which the Government of India apply to these is whether in any given case the provincial Governments are to be strictly the agents of the Government of India, or are to have (subject to what is said below as to the reservation of powers of intervention) acknowledged authority of their own. In applying this criterion the main determining factor will be not the degree of delegation already practised, which may depend on mere convenience, but the consideration whether the interests of India as a whole (or at all events interests larger than those of one province) or on the other hand the interests of the province essentially preponderate. The point is that delegation to an agent may be already extensive, but that circumstance should not obscure the fact of agency or lead to the agent being regarded as having inherent powers of his own.

9. Applying this principle, the Government of India hold that where extra-provincial interests predominate the subject should be treated as central. This category as already noted also includes matters which the central Government administer directly by means of their own staff. But confining themselves in this paragraph to cases in which central subjects are partly administered by provincial Governments acting as agents for the central Government, the Government of India wish to emphasize two points. They propose to examine existing conditions with a view to relaxing as far as possible the central control over the agency and to getting rid of any unnecessary limitations on the agent's discretion. They distinguish this process as one of decentralization, not to be confused with the larger purpose of devolution. At the same time the Government of India think it should be recognized that it is within the principal's power to restrict the agency or even to withdraw it altogether, substituting for it direct administration by the central Government; and that if and when it is proposed to transfer the functions of the provincial agency to the hands of Ministers this particular question will need careful reconsideration.

10. On the other hand, all subjects in which the interests of the provinces essentially predominate should be provincial; and in respect of these the provincial Governments will have acknowledged authority of their own. At the same time, as is recognised in the Report, the Government of India's responsibilities to Parliament necessitate the retention of some powers of intervention in provincial subjects. The Government of India propose to state their views upon the question of the grounds on which and methods by which such powers should be secured and exercised, in the hope that they may be of assistance to the Committee.

11. Among provincial subjects some will be transferred. Taking the case of these first the Government of India think that the exercise of the central Government's power to intervene in provincial subjects should be specifically restricted to the following purposes:—

(*i*) to safeguard the administration of Government of India subjects;

(*ii*) to secure uniformity of legislation where such legislation is considered desirable in the interests of India or of more than one province;

(*iii*) to safeguard the public services to an extent which will be further determined subsequently;

(*iv*) to decide questions which affect more than one province.

So far as legislation is concerned the Government of India think that the exercise of the legislative powers of the central Government should be by convention restricted in the manner proposed in paragraph 212, to the above-named grounds.

So far as administration is concerned, section 45 should be so amended as to empower the Secretary of State to make rules restricting the exercise of

the central Government's powers of administrative control over provincial Governments in transferred subjects to the same specified grounds. This proposal is subject to the following qualification. In the past a very important element in the administrative control exercised by the central Government has been the element of financial control. The Government of India have not yet concluded their examination of the character and extent of the control to which public expenditure in the provinces should under the new arrangements be subjected, and with this aspect of the question they will deal separately. Their proposals in this paragraph should be regarded as relating to control which is not based on financial considerations.

12. A word may be added as to the methods by which the central Government should intervene when necessary in the case of transferred subjects. A suggestion which seems well worth consideration has been made that in such cases control by the central Government may be better exercised by the Governor acting under the central Government's orders, and enforced in the last resort by resumption of the transferred subject, than by the direct interference of the central Government in the form of orders addressed to the provincial Government, as would be the appropriate course in the case of reserved subjects.

13. Coming now to the more difficult question of the grounds justifying intervention in the case of reserved subjects, which is referred to in paragraphs 213 and 292 of the Report, the Government of India accept the proposition that the justification for relaxing control which exists in respect of transferred subjects is in the case of reserved subjects lacking. They take note also of the possibility that public opinion may be critical of any general relaxation of their authority over official subordinates. At the same time they consider that the new situation requires greater relaxation of control than is suggested by the expression "getting rid of interference in minor matters which might very well be left to the decision of the authority which is most closely acquainted with the facts" (paragraph 213).

In coming to this conclusion they take into account first the changed character of the provincial Governments and the more representative character of provincial Councils. They also note that, so far as financial considerations have entered into the control practised in the past, when the provinces have separate revenues the main motive for interference will disappear, and in so far as the expenditure codes are curtailed or abolished (upon which question as already indicated they have not yet been in a position to formulate their proposals) the ordinary everyday means of exercising control will also vanish. Above all they take account of the new situation in respect of legislation. They accept the proposal made in paragraph 212 of the Report that in all provincial subjects the Government of India will by convention not legislate except on specified grounds which may be taken as those already set out in paragraph 11 above. They also take it that on all subjects, whether provincial or not, provincial legislatures will retain their existing power of legislation subject only to such statutory restraints as it may be decided to retain or to impose. This will involve an amendment of section 79 of the Government of India Act, 1915, which will in future require the previous sanction of the Governor-General to legislation by a provincial Council which is not purely on a provincial subject. There will henceforth be no control over provincial legislation exercised by the Government of India in the form of purely executive orders.

For all these reasons the Government of India look forward in future to very different relations between the central and provincial Governments, even in reserved subjects, from those which have obtained in the past.

14. Nevertheless, as they have already said, the Government of India accept the principle laid down in paragraph 213 that an official Government which is not subject to popular control cannot properly be legally exempted from superior official control. Bearing in mind the further fundamental principle that saving its responsibility to Parliament the central Government must retain indisputable authority in essential matters, and also the practical danger that the specification of certain grounds for the exercise of powers of control may

be taken to imply the exclusion of others, they hold that it would be unwise to lay down any specific limitations upon their legal powers of interference with provincial Governments in reserved subjects. In respect of these therefore they propose no amendment of section 45 of the Government of India Act.

At the same time the Committee may find it useful to have some indication of the extent to which the Government of India consider that such control will generally be exercised in future; and for this purpose the Government of India take first the four grounds already mentioned in paragraph 11 in the case of transferred subjects. In addition they think that intervention would be required in cases where it was necessary to enforce any standing or special orders of His Majesty's Government conveyed by the Secretary of State, or in exceptional cases, where the Government of India considered that the interests of good government were seriously endangered. But in suggesting these grounds by way of explanation the Government of India wish to make it clear that they do not intend that their specification of certain matters should be made the basis of any formal limitation of their legal powers.

15. In cases where the Governor in Council exercises his powers of intervention in relation to transferred subjects under section 240 of the Report the Government of India think that the central Government should have the same powers of control as if the Governor in Council's decision had been taken in a reserved subject.

16. A minor point worth mention is that the Government of India contemplate that the central Government should have an unquestioned power, to call for any information, statistical or otherwise, and in any form they desire, from provincial Governments, whether such information relates to a transferred or to a reserved subject, and that section 45 of the Act should, if necessary, be amended so as to place their powers in this respect beyond question. It may be covered by their proposals in paragraph 11 (*i*) above read with paragraph 291 of the Report.

ANNEXURE III.

SUPPLEMENTARY MEMORANDUM FOR THE SUBJECTS COMMITTEE.

The Government of India have taken into further consideration the questions which arise in connexion with the proposed demarcation of the field of provincial administration, and have recorded the following conclusions :—

(1) They recognize that those subjects or departments which are to be transferred to Ministers come within the field of provincial administration. In respect of these the Government of India have stated their intentions in paragraph 11 of their memorandum of November 29, 1918.

(2) At the other end of the scale they recognize that there are certain subjects which cannot go into the field of provincial administration, but must be administered centrally.

(3) As regards the treatment of subjects lying in between these categories the Government of India think that—

(*i*) the subjects which appear in the provincial budget should be described as the subjects which a province administers,

(*ii*) there should in respect of these be no statutory restriction of the Government of India's power of superintendence, direction and control,

(*iii*) in respect of these same subjects the Government of India will undertake a formal and systematic scheme of devolution of their authority, such scheme to be compatible with the exercise of their control in matters which they regard as essential to good government,

(*iv*) the Government of India do not contemplate that the administration of such subjects should become amenable to the control of the legislature, otherwise than by their formal transfer at the date of the periodic commission ; and they recognize that in the exercise of their control over such subjects the Government of India should have due regard to the purposes of the new Government of India Act, as they anticipate that these will be declared in the preamble.

February 19, 1919.

ANNEXURE IV.

THE PUBLIC SERVICES UNDER REFORMS.

The Report deals in various places with the position of the public services (paragraphs 128, 156, 240, 259, 318—327), but two passages are of outstanding importance. On the one hand it is laid down (paragraph 259) that there is to be no duplication of the services:—"To require Ministers to inaugurate new services for their own departments would be to saddle them with difficulties that would doom the experiment to failure". On the other hand, it is declared (paragraph 325) that "any public servant, whatever the Government under which he is employed, shall be properly supported and protected in the legitimate exercise of his functions"; and the Government of India and the Governor in Council are to have unimpaired power to "secure these essential requirements". The Government of India accept these propositions. They take it that the machinery of the public service, as it exists to-day, is to be used by Ministers, and the service is to be given adequate protection in its new situation. Means must be found of fulfilling these requirements.

2. Hitherto the regulation of the public services has been to a great extent uncodified, or codified only by executive orders. The position will be altered now, with the public services coming, in an increasing measure, under popular control. It will be only fair both to ministers and to public servants that they should be supported by a clear regulation of their formal relations to each other. And it is eminently desirable that they should find this regulation established from the outset of the new conditions. Moreover, there ought not to be one law for public servants working under Ministers, and another for those who remain under the official part of the Government. So far as may be, the public employé should find himself under a similar régime in whatever branch of the administration he may serve. So also the claims of Ministers upon the public service and their duties towards it should be closely comparable with those of the official members of the Government. The whole machinery ought to be arranged so that the transfer of a department from one part of the Government to the other should cause the least possible dislocation, or change in the conditions of their service, among the permanent officials employed in the department. The most hopeful way of arriving at the basis of the necessary law and rules seems to be to consider in relation to each class of service how the operations which are necessarily involved in running a service ought in future to be performed when the new constitution is in operation.

CLASSIFICATION.

3. The Government of India think that all public servants working in the provincial field of administration should be classified in three divisions, Indian, provincial and subordinate. Such a step has invariably been found necessary in the Dominions; it seems necessary in India for the purpose of distributing authority in future; and it has the advantage of enabling greater simplicity to be introduced into the rules or regulations.

4. The chief criterion will be the appointing authority. Broadly speaking, the Indian division would include services for which the Secretary of State recruits the whole or a considerable part of the members—the services, in fact, in which it is desired to retain a definite proportion of Europeans or Indians educated in Europe. The provincial division would embrace posts with duties of a responsible character, and not of a merely clerical type, for which the local Government ordinarily recruits. Posts for which the Government of India at present recruit could be treated as Indian or provincial, according to the nature of their duties. All subordinate and clerical posts would come into the third division. It will probably by found that the classification will entail considerable changes in existing nomenclature. Again, a number of grades do not now receive provincial status, although their officers are recruited on uniform qualifications for the whole province and may be liable for service in any part of the province. From this point of view, such classes as the naib-tahsildar, the sub-assistant surgeon, and the like, may

be conveniently placed *ad hoc* in the provincial division. Similarly, all miscellaneous posts, not being of a purely subordinate character, which are not at present in either the Indian or provincial category, would be treated as belonging to one or the other if they are of similar status, or recruited for in a similar way, to those branches respectively. The third division would take in all appointments of lower than provincial status. They would usually be the posts which are filled departmentally, or by district officials, without reference to a central authority.

5. It is probable, however, that in all provinces there would be certain posts of importance which would not conveniently fall into either the Indian or the provincial category. Some of the technical educational posts are a case in point. For these it may be necessary following the usual Dominion practice to create a separate professional division.

6. The proposed classification should at present be undertaken only, to use the phrase of the report (paragraph 238), in the "field of provincial administration". The division into Indian and provincial classes might not be easy in services like the railways, post office or customs; and it is not necessary for present purposes, though power may suitably be taken to make it when the necessity arises.

7. The dominant considerations are that Ministers coming new to office should be provided with an efficient staff and not have to rely on what they can get; and that it is of the utmost importance to India to have in the highest services, which are to set a model to the rest, an Indian as well as a European element on which the seal of the existing system has been definitely impressed. The Government of India think that—

(1) recruitment whether in England or India for the India services should be according to the methods laid down in statutory orders by the Secretary of State;

(2) all persons recruited to the India services whether in England or in India (whether by examination, promotion or direct appointment) should be appointed by the Secretary of State.

Pay.

8. (*a*) *Rates of pay.*—After weighing the opposing considerations, the Government of India think that, if the India services are to be kept together on more or less one plan and the Secretary of State is to feel his responsibility for them, it is practically necessary that he should fix their rates of pay.

9. (*b*) *New appointments.*—The Government of India think that the addition of any new post to the India services should require the sanction of the Secretary of State.

10. It is, however, necessary to prevent the intention of the last proposal from being defeated by the device of creating appointments similar in purpose to those ordinarily filled by the India services, but keeping them technically oustide the cadre. For this purpose a proviso on the following lines seems needed :—

Every new permanent post created in the provinces must be added to the cadre of the service to which its duties most closely correspond.

11. (*c*) *Temporary appointments.*—The Government of India consider that local Governments should have power to sanction, without any limit of pay, any temporary additions to the cadre of India services, either up to a limit of two years' duration, or else without any such limit, on the understanding that the audit will check any evasions of the rule about permanent posts.

Allowances.

12. These are known by several titles, but can probably all be brought within a few generic names—acting, exchange compensation, duty, local, travelling and personal and honoraria. Acting allowances are included in salary and are part of the emoluments attaching to a particular office. The introduction of a time scale will to a great extent do away with them: but where they are still required the Government of India think that the Secretary of State

should lay down the rules under which they may be granted. The Government of India hope that these may be simplified and that it will not be necessary to keep all the existing bases of calculation. The same authority should lay down the basis on which exchange compensation may be granted and details would be settled by local Governments.

13. All other allowances, however, are clearly distinct from pay, and ought to be given for reasons which can only be fully known to the local Governments; and the Government of India propose that, subject to very general directions by the Secretary of State, the grant should be left to them. Thus the Secretary of State would lay it down that travelling allowance was not to be a source of profit: that local allowances in all their forms should bear some reasonable relation to the extra expenses of the locality; and that duty allowances, deputation allowances and personal allowances should bear some reasonable relation to the officer's pay.

Leave.

14. Leave is one of the great amenities of the services, and ought to be maintained on generally uniform lines: but it has long been recognized that the leave code is needlessly rigid and restrictive and that greater latitude is desirable. The Government of India think that the Secretary of State should determine (*a*) the total amount of leave of every kind admissible, (*b*) the scale of allowances admissible for each, (*c*) the maximum to be taken at any one time, (*d*) the minimum interval between two periods, (*e*) the terms of commutation of one kind for another, and that within these limits all leave questions should be determined by local Governments.

Foreign Service.

15. The only matters in which it seems necessary for the Secretary of State to frame fundamental regulations are in regard to contributions to leave and pension by an officer on foreign service, and the calculation for purposes of subsequent leave of his foreign service pay. All other matters should be left to local Governments.

Pensions and Superannuation.

16. The Government of India think that the age of superannuation and the scale of pensions for the India services should be fixed by statutory orders of the Secretary of State made under the new Government of India Bill.

Administration and discipline.

17. These appear to be all the matters connected with India services for which it is possible to make provision by rule. In all these cases where the local Government has been spoken of, the authority will be that of the Governor in Council in the case of reserved departments, and that of the Governor acting with Ministers in the case of the transferred services. But there remain to be still considered the day to day matters of administration which raise the question of the Governor's responsibility in all service questions.

While they plainly realize the difficulties involved the Government of India think that to give any formal option of serving or declining to serve under Ministers at the outset seems unwise. They prefer to abide by the ordinary rule that a public servant is required to fulfil any duty imposed upon him. It is, however, necessary to face the possibility that difficulties of various kinds may arise, and to consider how far these can be mitigated, and, when they get beyond mitigation, how they can be disposed of.

In all matters, both of ordinary administration and of discipline, where no rules can afford immunity, the task of making the new arrangements a success must fall largely on the Governor. The Government of India consider that this duty should be definitely and formally laid upon the

Governor; and that his rôle as protector of the public services should be known and recognized both by Ministers and the services. They suggest, therefore, that the matter should be incorporated in the regular instructions to Governors and that a declaration to the same effect should be made in the course of presenting the reforms scheme to Parliament. The Governor will have every opportunity of watching the situation. He may be able to remove trouble by a few words of advice or persuasion. If the difficulty is acute or widespread, he may have to investigate it with the help of the joint advice of his Council and Ministers. But the Government of India think that the Governor in Council should not be brought in as a formal agency of arbitration in the grievances of public servants. Such a course, they fear, would generate difficulties between Ministers and the Executive Council.

18. But in case the Governor's intervention fails, it seems necessary to provide a final safeguard; and the Government of India think that, though no officer should have the option to decline to serve under the new conditions, they should have power at their discretion to grant any officer of the existing establishment for adequate reason permission to retire on proportionate pension. If the Government of India refused the application an appeal would lie to the Secretary of State. In the case of any disciplinary orders passed by Ministers which affected an officer's emoluments or pension there seems no choice but to allow a direct appeal to the Government of India and, if need be, to the Secretary of State. No officer of the India services should be dismissed without the orders of the Secretary of State, and all existing rights of appeal should be maintained.

19. The Government of India conclude that in two respects the Report cannot be literally translated into practice. In paragraphs 240 and 325 the protection of the interests of the public services is made the duty of the Governor in Executive Council. This, it is feared, would defeat the object which the Report intends to secure; for the work of the public services cannot be formally made a reserved subject, and any less drastic measure of general protection would inevitably lead to friction between the two parts of the Government. Again, in the same paragraphs and in paragraphs 156 and 259, expressions are used which will be read as promising detailed support and protection to a public servant in the discharge of his duties. This, however, seems to involve too frequent intervention for working purposes. The Government of India think that all that can safely be guaranteed is in the last resort a right of retirement on fair terms, a generous right of appeal in clearly defined circumstances, and the steady influence of a vigilant Governor in the direction of harmonious working and good feeling. They think it necessary to make the position clear in this respect both to the Secretary of State and to the services.

20. The Government of India will now briefly review the proposed position as regards the India services The basic idea is that the structure of the service, its duties and the general conditions of its employment should remain as far as possible untouched by political changes, at all events until the advent of the first statutory commission. When a Minister is placed in charge of a transferred department he will take it over as a going concern with its staff intact. The Indianization of the services is an entirely separate matter and will be regulated in accordance with the general policy prescribed by the Secretary of State. The actual recruits, whether European or Indian, and in whatsoever proportion, will come into a service regulated on uniform lines and as little concerned with political controversy as possible. As in the past, rules of conduct should be maintained for all public servants, however employed, under standing orders of the Secretary of State. The services will be required to show the same diligence and fidelity to Ministers as to the official part of the local Government. The general conditions of their service will continue to be ordered by the service regulations (or by any special contract of recruitment), no difference being made wherever they are employed. And they will be amenable to the Minister's orders and discipline just as they will be in a reserved department to the orders and discipline of the Governor in Council. On the other hand, while Ministers will be supported in requiring their staff to carry out their policy, their employés will be protected, as now, against arbitrary or unjust treatment. To this end they will be given

reasonable access to the authority by which they were recruited and they may not be dismissed without at least the order of that authority—a rule universally accepted at present. But the power of intervention between them and the public servants under their control should be kept down to the minimum, and the right of appeal from Ministers should be as little in evidence as possible. Appeals should lie only where emoluments or pensions are affected, but where they do lie they should lie up to the Secretary of State.

21. It will frequently occur that a public servant will have duties in both a reserved and a transferred department; the district officer will be the most prominent instance of this type. It will make for simplicity and avoid improper conflict of jurisdiction if for purposes of posting, promotion and discipline such officers are kept entirely under the control of that part of the Government which is concerned with the budget head from which their pay is met. It may have to be arranged that Ministers will contribute to the emoluments of officers partly employed under them in a ratio to be fixed by the Governor (ultimately by rule), and similarly to their pensions on retirement. On the side of their work which concerns the transferred departments, such officers will have to take and carry out the directions of Ministers exactly as if they were whole-time officers in those departments. But they cannot be subjected to the discipline of two different authorities; and if either part of the Government is dissatisfied with the execution of its orders there seems no other course than for it to represent the matter to the Governor. It will be one of the most important duties of the Governor to deal with a delicate situation of this kind.

PROVINCIAL SERVICES.

22. It is recognized that the time must come, and may come soon, when Ministers will wish to take the provincial services of their departments entirely into their own hands, and to regulate their recruitment, pay, pensions, etc. The Government of India think that they should not do so until they have put these matters on a legal basis by legislation. They suggest that such legislation may reasonably be expected :—

(*a*) to secure selection, over the widest possible field, on merits and qualifications, and to reduce the risks of nepotism;

(*b*) to ensure efficient training for the higher and more responsible duties;

(*c*) to guarantee discipline and integrity on the part of the employees; and

(*d*) to provide adequate pay, security of tenure, and satisfactory conditions of work in regard to such matters as pensions, promotion, and leave.

But pending the passage of such legislation, they consider that the determination of the conditions of the provincial service even in transferred departments must be left in the hands of the Governor in Council.

Recruitment.

23. The Government of India think that all existing rules for recruitment should be maintained unless altered by the Governor in Council. The requirements of different services differ, and it will not be possible to establish any uniform system. But the aim should be to eliminate the element of patronage, and to establish a system of appointment by examination before or after selection, or, where appointments are made direct, to set up some external authority for the purpose of advising. The actual appointment must in any case be made by the local Government, by the Governor in Council in the case of reserved subjects and by the Governor on the advice of Ministers in transferred subjects.

Pay.

24. The proposal which holds the field is that the Secretary of State's sanction should not be required to any new appointment or the raising of the pay of any appointment above Rs. 1,450, outside

F. D. Despatch No. 233, dated the 31st October 1919.

of certain scheduled services which would closely correspond with the India services contemplated in this note. That limit would have the effect of removing from the Secretary of State's cognisance practically all questions of the pay of appointments in the provincial services. But on grounds of expediency the Government of India think that their own sanction, though not that of the Secretary of State, should be required in the case of posts on Rs. 1,000, the rate suggested for selection grades by the Islington Commission.

25. The only other limitation which it seems necessary to consider is the limit of cost of service reorganizations. At present if the additional cost exceeds Rs. 25,000 the Government of India's sanction is required and if it exceeds Rs. 50,000 the case must go to the Secretary of State. It has been proposed to give local Governments freedom of action up to Rs. 5,00,000, a limit sufficiently high to provide for all reasonable reorganizations of the most costly services. On one minor point it has hitherto been thought necessary to retain the Government of India's sanction, *viz*, if the revision involves the grant of local allowances as compensation for dearness of living in any locality in which officers paid from India revenues are employed. The Government of India think it unnecessary to maintain this restriction.

Allowances.

26. There need apparently be no difficulty in treating this question on the same lines as for the India services. Local Governments would accept the guiding considerations laid down for each class of allowance by the Secretary of State and would use their discretion in applying them in particular cases. It may probably be assumed that there would grow up under the hand of the provincial Finance Departments provincial regulations on the subject which would, it is to be hoped, be of a simpler nature than existing codes.

Foreign Service.

27. This appears also to admit of the same treatment as in the case of the India services.

Leave.

28. As regards leave the desiderata seem to be—(1) to secure that the rules shall not be altered to the detriment of existing officers, (2) to enforce a certainsimilarity in the conditions of leave among officers of equal status, and (3) to admit of special variations on account of special conditions of work (civil courts) or possibly, for special remote areas, unhealthy conditions. The Government of India propose that they should frame fundamental rules as it has been suggested that the Secretary of State should do in the case of the India services.

Superannuation and pensions.

29. It has been suggested above that before Ministers take over a service entirely they should embody among other standing provisions for the conduct of such service some provision for its pensions in the law. The Government of India think that from the inception of the reforms the central Government should set Ministers an example in this matter by legislating to secure the pensionary rights of the provincial services.

Administration and discipline.

30. It seems to the Government of India that these matters can only be treated on the same general lines as for the India services. The Minister must control the administration of transferred subjects, including such matters as postings and promotions. The Governor must be instructed to control him with a watchful eye to the well-being and content of the services. Officers cannot be given any option as to the transfer, but officers finding their position intolerable should be able to ask for a proportionate pension. Such applications should go to the Governor and an appeal should lie from his decision

to the Government of India. Only in disciplinary cases affecting emoluments or pensions should there be a regular appeal, and it should lie to the Government of India and from them if necessary to the Secretary of State.

31. The general conduct rules in respect of borrowing, presents, indebtedness, buying property, political activity, etc., should be maintained in respect of provincial no less than in respect of India services by standing orders of the Secretary of State.

THIRD DIVISION.

32. This would embrace the minor executive posts, the bulk of the ministerial establishments, the menial servants and the like. Some superior ministerial establishments would probably rank in the provincial division, In respect of the third division there is an obligation to see that the rights and privileges of present incumbents are maintained and that in particular their pensions and provident funds are secured. This object can, perhaps, be secured by directions to the Governor in Council as regards reserved and instructions to the Governor as regards transferred subjects. The Government of India recognise that present incumbents would probably greatly prefer to see their pension and provident funds secured by legislation by the Government of India. As regards future incumbents, they think that, subject to what is said below as to a Public Service Commission, it can only be left to the Governor in Council and to the Governor and Ministers to regulate the entire working of the service.

PUBLIC SERVICE COMMISSION.

33. In most of the Dominions where responsible government has been established, the need has been felt of protecting the public services from political influences by the establishment of some permanent office peculiarly charged with the regulation of service matters. The foregoing proposals have assumed that every effort must be made to fulfil the pledge given to the services, and indeed to secure the main services firmly on their present lines. For this purpose, indeed, it cannot be said that any organization, other than the official Governments, is at present required ; or that its introduction will be felt as otherwise than embarrassing to local Governments and Ministers. Nevertheless the prospect that the services may come more and more under ministerial control does afford a strong ground for instituting such a body in the beginning, while such a step would be entirely in keeping with other features of the scheme like the proposals for treasury control and audit. The Government of India have accordingly considered whether there are any concurrent grounds for taking the matter further.

34. The Public Services Commission have proposed not merely that for certain services examinations should be held in India, but that to a great extent direct appointments, on the advice of selecting Committees, should also be made. For the former purpose no agency exists and some agency must be set up. As regards nominations the need for regulation is obvious. The present distribution of patronage, however conscientious, does not escape criticism, and is extremely laborious, for which reason it is very desirable to set up without delay some more impersonal method of selection. It is, moreover, clear that the reconstitution of the public services will involve much re-classification, and much reshaping of rules and regulations, as well probably as legislation in India. A Public Service Commission could give valuable help to the Home and Finance Departments in settling these matters. It seems likely that an efficient office would establish its position both with the Government of India and local Governments. It would come to be regarded as the expert authority on general service questions (as distinct from cases of discipline in which the desirability of allowing it to intervene requires further consideration). The following list of duties suggest itself for it : —

(i) to hold the examinations and to arrange for the selection in India of entrants into the India services under the orders of the Secretary of State ;

(ii) to perform the same functions for provincial services in accordance with the policy of local Governments ;

(iii) to advise upon and arrange for recruitment for the Government of India offices;

(iv) to advise local Governments, if required, on the qualifications to be laid down for their subordinate services;

(v) to advise, if required, on all general questions of service reorganisation, and especially on proposed legislation or changes in the regulations;

(vi) to advise educational authorities as to the educational requirements of the public service;

(vii) to conduct departmental examinations and perhaps language tests, possibly absorbing the existing Board of Examiners;

(viii) to act as an advisory authority in cases where the interpretation of service rules is in dispute.

35. Although at this stage it is not possible to define the utilities of the office with precision, there seems reason for thinking that the value of a Public Service Commission would outweigh the objections to it. The Commission should be appointed by the Secretary of State, whose responsibility for the maintenance of the services would by this means be made manifest. It would, of course, have provincial agencies in the provinces. Provision for the appointment would be made in the new statute, and the duties of the office would be regulated by statutory orders of the Secretary of State.

Summary.

36. The general scheme may be summed up as follows :—

(i) Concurrently with reforms, legislation should be undertaken in Parliament to declare the tenure and provide for the classification of the public services. It should secure the pensions of the India services and should empower the Secretary of State to make rules for their conduct and rights and liabilities, and to fix their pay and regulate their allowances. The Bill should also provide for the establishment of the Public Service Commission and its duties.

(ii) The Government of India should pass a Public Service Act providing for the tenure and pensions of all provincial public servants and empowering the Governor-General in Council to define their other rights and liabilities by rule and leaving all other matters not so regulated to the Governor in Council. The Act should also secure the pension rights of existing members of the subordinate services and should empower the local Governments, herein including the Governor and Ministers, to make rules for them in all other respects. It would then be necessary for a Minister who wished to take over complete control of the services in transferred departments to introduce provincial legislation amending the Act, to which under section 79 (2) of the existing statute the previous sanction of the Governor-General would be necessary.

ANNEXURE V.

The attached memorandum is transmitted to the Subjects Committee as an indication of the views of the Government of India on certain changes which will be required in the financial organization, particularly of provincial Governments, under the Reforms Scheme. The memorandum does not include a number of points relating to the finance of transferred subjects, including the methods of making budget provision for them, raising loans and fresh taxation for them and allowing them access to the existing provincial balances. On these points it is hoped that a subsequent note may be presented.

31st December 1918.

MEMORANDUM ON FINANCE.

I.—The existing system (central).

The financial system of India may be considered under the following heads :—

(1) Pure finance;
(2) Control of revenue, including taxation and loans;
(3) Control of expenditure;
(4) Accounts and audit.

All these, with the exception of audit, which is given an acknowledged, though not a statutory, independence, are under either the direct or the general administration of the Finance Department of the Government of India. That department is also entrusted with the detailed administration of certain heads of revenue, its functions in this matter having been explained in the separate departmental memorandum recently submitted to the Subjects Committee.

(*a*) *Pure finance.*

2. Pure finance is an expression which, for want of any better description, may be taken as covering the control of currency, including the mints; the service of the public debt; and the complicated mechanism for maintaining a gold standard in a silver country, which involves the regulation of the sterling exchanges. The Finance Department is also closely associated with the banking and credit system of the country. On all these points, however, the reforms scheme does not touch, and no detailed description of this side of the work will be prepared unless the Committee desire it.

(*b*) *Provincial settlements.*

3. In dealing with the public revenue and expenditure, the financial system has been to a large extent decentralised. Provincial Governments have been given control, which had small beginnings but has been steadily enlarged, by the device of financial settlements or contracts. It would require a whole treatise to describe the complexity of these provincial settlements. They have been clearly pictured in paragraphs 104 *et seq.* of the Report; but the underlying idea may briefly be recapitulated as follows. The accounts of India are divided into two sections, known as Imperial and Provincial. The division is partly natural, but also in part highly artificial. In the Imperial section are classed the receipts and charges of certain departments which as a rule are All-India in their character:—Army, Railways, Post Office, etc., etc. All other departments figure in the Provincial section; but in some cases a share, it may be of the gross revenue, or it may be of the net revenue, is credited in the Imperial account. The heads of receipt and expenditure which are shared in this way are known as "divided heads"; and the method of division has been determined in making the settlements or contracts with the different provinces. These settlements used to be made for five years; they are now supposed, in most provinces, to be permanent. The theory of the settlement is firstly to decide what departments each local Government is going to finance, and then to give the Government such a share of the revenues which it collects as will cover the outlay in those departments and will meet their growing needs. Deeper-seated than this theory, it may be argued, was the paramount necessity of providing the central Government with adequate funds for the expenses of

its large spending departments; the proceeds of the purely Imperial heads of revenue would never have sufficed without taking from the provinces some part of their provincial collections.

4. Under this system there has always been a competition between the growing needs of the central Government and the equally growing needs of the provinces; and from that competition there arose, in our past history, inequalities of treatment, sacrifices by the thriftier provinces, and relative extravagances by the more powerful provinces, which lie at the root of the chief difficulty in provincialising revenues to-day. This point will be adverted to again at a later stage in the memorandum. For the present it will be sufficient to note that the effect of these provincial settlements was to keep the powers of taxation centralized. So long as the settlements were revisable at short intervals, the growing needs of the provinces could be met by ceding further shares in the divided revenues, and the provinces were thus rarely required to impose taxes of their own. Since the settlements became permanent, there has been a period of prosperity that has rendered provincial taxation unnecessary. Taxation thus has been left in practice, except for purely local purposes, almost wholly a matter for the central Government.

5. In the foregoing rapid account of the provincial settlement system, no reference has been made to the many qualifications attaching to individual provinces. In some provinces, for example, where droughts are frequent, the central Government has guaranteed a minimum revenue under certain heads; there is also an elaborate scheme of famine insurance. These and similar points can be further developed if the Committee require the information.

6. From the above it will be apparent that the control of revenue and expenditure in the Imperial section of the accounts rests with the central Finance Department, while in the provincial section it is largely in the hands of the Finance Departments of the various local Governments. The system of divided heads, however, allowed the central Department to interfere, on the plea of safeguarding its own interests, with provincial operations. The fact that the provincial figures are carried into the Imperial budget also provided an opportunity of intervention in the interests of accurate estimating. Apart altogether, therefore, from the Secretary of State's supervision over Indian revenues and their expenditure, there were inherent in the system itself certain obstacles to the financial independence of local Governments, which the Report has set itself to remove Its proposals on this subject will be discussed later.

(c) *Control of central revenues.*

7. This narrative may now proceed with the working of the central Finance Department in connection with central subjects. Its concern with the revenue-producing departments is universal; but its intervention varies largely with the agency of assessment and classification. In the working of the railways, for example, it is rarely invoked except in broad matters of policy, and in settling the annual estimates and the programme of development loans. In connection with opium and salt, on the other hand, its grip on the administration is very much tighter. With this aspect of the work, however, the Committee is possibly not greatly interested, and no details are, therefore, elaborated. Some allusion, however, is necessary to the functions of the Finance Department in connection with taxation, borrowing and the disposal, when it occurs, of a large revenue surplus

(d) *Control of taxation.*

8. As has been already explained, the past relations between the central and the provincial Governments have led to the former making itself responsible for all fresh taxation that is required by the needs of the country as a whole. The penury of any one province might indeed drive—and has in fact helped to drive—the central Government to impose general taxation; but the provincial settlements were based on the theory that they left the provinces with adequate resources, and thus under no necessity to raise taxation of their own. This centralisation of taxing powers was justifiable while the central Government continued to emphasize the financial subordination of the provinces, and held an arbitrary power to keep the provinces within the four walls of their settlements. As soon as local Governments are given a greater

measure of independence over their own funds, the position will obviously change and the right of a province to impose its own taxation must be recognised.

(e) *Control of borrowing.*

9. In the matter of borrowing, the policy of the Government of India has always been cautious and conservative. Before the war the loans raised in India were extremely small (£3 millions used to be regarded as a dangerously large issue in one year); the rate of interest was rigidly kept down; and except in regard to emergencies, there was no borrowing save for productive works. The central Government was then able to secure the cream of the market; and it adhered very firmly to this privileged position. Local authorities, such as port trusts and the larger municipalities, were allowed, under very definite restrictions, to float small loans of their own on local security; but a corresponding privilege was never accorded to the provinces. All our loans issued on the security of the whole revenues of India. If a province required loan money, the central Government found it and the province had to pay interest. The position obviously gave the central authority a powerful lever for insisting upon provincial solvency, and for continually interfering in detail for that purpose. This tutelage extended even to what is known as the provincial loan account. The account in question is that from which a province makes agricultural advances, loans to estates under the court of wards, and the like. The procedure is that the whole of the capital required is handed over by the central Government to the province, which administers the loans and pays back the net recoveries to the Government of India each year, along with interest calculated upon the mean of the capital in its hands during the year. The province is authorised, but here again only under the orders of the central Government, to charge rates of interest higher than it pays for the accommodation; the understanding being that the difference is left to it in recognition of its services in managing the account, as well as to cover bad debts.

(f) *Control of the revenue surplus.*

10. When the Government of India found themselves, towards the close of a financial year, faced with a much larger surplus than they had budgeted for, it was the practice before the war to distribute some part of the windfall among the provinces. This policy was particularly active during the years before the opium trade with China was shut down, when enormous prices were being paid for our opium, and the money was utilised for what it was then hoped would be the beginnings of a more active educational programme. These grants, or "doles" as they were opprobriously called, out of the revenue surplus fell into very bad odour. The Government of India were accused of pushing money out of their account in order to avoid charges of defective estimating; and the money sometimes fell to local Governments so unexpectedly that they were unable to prepare sufficiently careful schemes for its economical employment. The critics hardly did justice to the Government of India. With a debt which is almost wholly productive, there had not grown up the practice of employing the surplus of the year in the purchase of Government stock. It was also perfectly proper that the central Government should allow the provinces to share in its own good fortune, especially as most of the settlements were recognised to be tight. All this, however, savours of past controversy. What remains an important lesson is that these doles afforded another opportunity to the central Government to be inquisitorial about the methods of provincial expenditure. The temptation to pursue a dole until it was finally spent and to criticise its expenditure was repressed so far as possible; but at one time it had not been resisted, and local Governments may still be suspicious of its revival.

(g) *Control of central expenditure.*

11. In controlling the expenditure of central subjects, the Government of India are now largely in the position of enforcing, on behalf of the Secretary of State, restrictions which he has imposed. These restrictions are contained in the vast complexity of the Civil Service Regulations and various

departmental codes; and also in a series of general standing orders, which have been brought together in a convenient compendium known as the Book of Financial Powers; and some description of the latter will be given below. Besides being responsible for obedience to these orders, the Finance Department of the Government of India is the custodian of the interests of economy and general financial propriety. It is placed in a position to give effect to this responsibility by rule 13 of the rules of executive business made by the Governor-General, which runs as follows :—

> "No proposal involving an abandonment of revenue for which credit has been taken in the budget, or involving expenditure which has not been provided for in the budget, or which, though provided for, has not been specifically sanctioned, shall be brought forward for the consideration of the Governor-General in Council, nor shall any orders giving effect to such proposals issue, without a previous reference to the Finance Department."

The rule is subject to certain exceptions relating—

(*a*) to cases requiring great secrecy or despatch, in which the Governor-General is empowered to waive the necessity for a previous reference to the Finance Department, and

(*b*) to certain delegations to the great spending departments, namely, the Army Department, the Commerce and Industry Department (for the Post and Telegraph Department), the Public Works Department (for civil works and irrigation works) and the Railway Department, provided that the expenditure proposed is not of a character for which the sanction of the Secretary of State is required, and subject also to certain conditions with regard to budget provision and reappropriation.

12. The effect of this procedure is to give the Finance Department an opportunity of criticising all new expenditure of any importance, and of also inviting the department in the Government of India which is interested in the purpose of the expenditure to examine the project in its administrative aspects. It can challenge the necessity for expenditure; it can bring to notice obvious objections or extravagances; it can call for facts to which it considers that sufficient weight or sufficient publicity has not been given. But it cannot, as a Department, overrule either a local Government or another Department of the central authority. Stress is laid upon this statement of fact because it has an important bearing on certain proposals which are made below regarding financial control in the provinces. If the central Finance Department has to combat unnecessary or extravagant outlay, its success depends upon the support of the Governor-General in Council In questioning expenditure which is improper rather than excessive it can always demand a reference to the Secretary of State under the standing order which requires his sanction to charges which are "of an unusual nature or devoted to objects outside the ordinary work of administration." This defence, however, is rare, and the real strength of financial control lies in the ability of the Finance Department to ask the Governor-General to take any proposal for expenditure into consideration, if necessary, in full Council. The procedure has worked well, and no change in it is now recommended. As regards the functions of the Finance Department in the matter of excesses over budget grants and reappropriation of savings for other expenditure, the Department has to assume a position which in other countries is taken up by the legislature itself. This is inevitable under the present constitution and it is rendered effective by the general official training and traditions of financial propriety. Here also no alteration in our existing methods is proposed.

(*h*) *Control over provincial expenditure.*

13. Thus far the memorandum has dealt entirely with central receipts and expenditure. It has now to discuss the relations between the central Finance Department and the provinces. The mainspring of control over provincial expenditure lies in the the orders of the Secretary of State to which allusion has already been made. Under the general standing orders the sanction of the Secretary of State is required before any new post is created

which would ordinarily be filled by a gazetted English officer; before any post is created on pay of over R800 a month; before any honorarium can be given to a public servant exceeding R1,000. No grants of land may be made except on special conditions; no charitable grants exceeding R10,000 a year are permissible; no motor-cars may be purchased for public business; and so on. These are some of the more general orders, and give no index to the multiplicity of directions in the various codes. There are other restrictions which the Government of India are instructed by the Secretary of State to impose upon provinces; without the central Government's permission, they may not undertake fresh taxation, they may not alter the rate of discount upon the sale of stamps, they may not raise a loan, they may not delegate their own powers to any subordinate authority, and so on. All these regulations give the Finance Department an infinite power of putting its finger into provincial affairs. A provincial project has to come to the Finance Department under one of these many orders; that department sends it to the administrative department concerned, and asks its advice on the necessity for the projected outlay. Hence follow delays, further inquiries, and much vexation to the province which has been anxious to get the business pushed through. Much of this is inevitable so long as financial sanction is used as the gateway to administrative control. There used to be sound reason behind the procedure, in the absence of any popular opinion to influence official schemes, and the honest determination of the Government of India to look at every project of expenditure from the point of view of the taxpayer. With the growing strength of public criticism and the increasing influence of legislative councils, this attitude may well be modified. The Government of India have recently asked for wide relaxations of the Secretary of State's authority; but a more radical remedy seems desirable, and the Report has shown where it is to be sought for.

(*i*) *Accounts and audit.*

14. On the fourth head mentioned at the outset of this memorandum, the Auditor General, Mr. M. F. Gauntlett, has been good enough to prepare a separate note which accompanies this paper It is unnecessary for the Government of India to do more than give Mr. Gauntlett's proposals their general endorsement; there are indeed certain details upon which they must reserve judgment. They accept his description of his ideals for the future and of the methods of working towards them. The step which the Government of India regard as an essential preliminary to any change is that the Auditor General should be made a statutory officer and that the Bill, or the rules made under it and presented to Parliament, should confer statutory powers upon him and his audit officers. The separation from the accounts offices of currency work and other incidents of general finance is on the merits desirable, and can be worked out at leisure. The more responsible auditors are already over-worked. A good deal of their labour can be abolished by simplifying the codes, and possibly also the form of accounts; but on the other hand a far greater degree of responsibility will be laid upon them if a more progressive system of audit is accepted, for a larger strain will be imposed upon their discretion and judgment, and less upon their mechanical industry. It is also most advisable that the superior audit officers should be able to move about and see for themselves the working of the establishments whose accounts they inspect Further examination of this subject, however, will have to be made before definite proposals can be laid before the Secretary of State; and it may be that the Committee will be satisfied by an assurance from the Government of India that the matter will be pursued. Meanwhile, the audit should be under the independent control of the Auditor-General and the accounts under the central control of the Government of India.

II.—THE EXISTING SYSTEM (PROVINCIAL).

15. In the provinces the Finance Department is a microcosm of the central finance organization. Its powers under a council government cannot be confidently discussed in this memorandum, as the rules which a Governor makes for the conduct of his executive business do not require the assent of the Government of India. The Committee, however, will easily elicit the procedure in

evidence. Generally speaking, the control of the provincial finance department is acknowledged in theory; but in practice its strength varies greatly with the disposition of the executive government, and depends largely upon personal influence and the amount of backing received from the head of the province. In the *quasi*-commercial branches of the administration, particularly irrigation, it is believed that the financial control and the observance of strict economy are almost entirely at the discretion of the departmental officials. Other branches are more closely watched, but the power of the Finance Secretary to a local Government is far from always being as definite as it ought to be. This is especially the case in connection with excesses over budget grants and the unduly wide liberty of reappropriating funds from one grant to another and entirely separate purpose. There is also a tendency for the spending departments to budget for expenditure of which the details have not been presented to the Finance Department for the necessary criticism. In all these respects the Government of India apprehend that the system will require to be tightened up before the introduction of the new régime.

III.—The Reforms Proposals.

16. It is now time to turn to the changes of system advised in the Report. These are based upon the intention of "giving the provinces the largest measure of financial independence of the Government of India which is compatible with the due discharge by the latter of its own responsibilities." The Report proposes to approach this independence by two methods: (*a*) radical changes in the basis of the provincial settlements (paragraph 201), and (*b*) the relaxation of the powers of control (paragraph 292), which vest in the Secretary of State. Under the first head it is proposed to abandon the system by which a province is given just enough for its needs, while the central authority becomes, so to speak, the residuary legatee of all the revenues. In place of this the central services will have adequate resources secured for them and all the other revenues will be handed over to provincial Governments. Under the second head it is proposed to delegate financial powers by detailed modifications of the Codes and Standing Orders. With these principles of action the Government of India are in full accord; but they would like it to be perfectly clear that their own responsibility will now stand on correspondingly narrow ground. They recognise that, with the invaluable help of the audit, they have a general responsibility for the observance of financial propriety and the avoidance of waste. They recognise also that they cannot avoid the liability of preventing a province from becoming insolvent or from being unpunctual in paying its debts. These duties rest upon the Government of India so long as they are responsible to Parliament for the good administration of the country. They conceive, however, that, with the grant of this new financial liberty to the provinces, they are no longer required to watch the financial proceedings of local Governments in detail, or to enforce from day to day measures which they consider necessary to keep the finances of a province in a healthy condition. Their intervention in future will take the form first of advice and caution, and finally, if caution is neglected, of definite orders which a province has to obey if it wishes to retain its constitution.

17. The relaxation of Codes and Standing Orders which the Government of India will recommend to the Secretary of State will involve much detailed labour of a highly technical kind; and it is probable that the Committee may not be disposed to examine this part of the case with any closeness. Put very briefly, the suggestions of the Government of India would be that the Secretary of State should be invited to lay down certain broad canons of financial propriety, to schedule the precise classes of expenditure to which his prior sanction is required, to formulate certain fundamental rules for the conditions of public service and probably several cognate matters, and then to leave all other powers to the authorities in India. In purely financial matters the Government of India would, in pursuance of their ordinary policy, pass on to the provinces whatever powers they get in dealing with the non-central subjects, except in so far as the Secretary of State may, in any specified subject, make his delegation conditional on special surveillance being exercised by the central Government in India. The devolution of any part of a

provincial Government's own financial powers to authorities subordinate to it forms another branch of the question, about which local Governments will obviously have to be brought into consultation before even any general principles can be enunciated.

18. The new arrangement, pivoted on the abolition of "divided heads," for distributing the financial resources and liabilities of the central and the provincial Governments is, as has been said, accepted by the Government of India in principle. Of the actual figures a further analysis will have to be made. It seems probable that certain charges, particularly in the Home account, which have hitherto been taken as central can properly be transferred to the provinces; the payment of pensions in England is a case in point. It may also be desirable to eliminate some of the abnormalities due to war from the budget figures of 1917-18, upon which the calculations in the report are based. The provincial contributions tabulated in paragraph 206 may, therefore, have to be modified, in consultation again with the local Governments concerned; but the principle of assessing them by an all-round ratio of the gross provincial surplus will be maintained. The patent inequity of the result, however, is a matter of grave anxiety to the Government of India It is due, as the report explains, to historical causes. Chief among these is the Permanent Settlement, which prevents certain provinces from yielding the same proportion of the agricultural rents to the public exchequer as others in which the land revenue assessment is periodically revised. Another cause has been alluded to above—the different pace of the growth of expenditure in different provinces in the past. In some the standard was much more progressive than in others; in some it was deliberately kept back in order to help the central Government in its days of financial stress after the last Afghan war and before the closing of the mints. The disproportionate share of their revenues which the central Government thus got into the habit of taking from the provinces has hitherto been obscured by the existing settlement system; and of the new arrangements nothing worse can be said than that they bring into prominence what had formerly been disguised; they impose no fresh burdens.

19 Nevertheless, they show that it is impossible to perpetuate the present inequality. Critics will tell us that the provinces which have rendered the greatest financial aid to the Empire of India in the past are now being penalised for their loyalty. It will also be urged that one of the first duties of a responsible Government is that it should be responsible for paying its own way. To meet these objections it is desirable to lay down, not only the immediate scale of contributions, but also a standard scale towards which the provinces will be required to work as a condition of the new arrangements. The Government of India cannot advise that the first step towards the standard should be deferred until the matter is investigated by the statutory commission (paragraph 207). They recommend that the first alteration of the contributions in the direction of the standard scale be effected six years after the new arrangements come into force, and that definite provision be made for reaching an equitable ratio of contributions in definite stages. What particular ratio should be regarded as most equitable is a matter of opinion, on which Local Governments would wish to be heard. The Report discarded the idea of an assessment on the gross provincial revenue; and this would clearly be inadvisable as tending to discourage the growth of revenue which must be aimed at in every province where the contribution has to be enhanced. The Report also condemned an all-round contribution on a *per capita* basis, the objection being that the rate could not, in present circumstances, be the same for all provinces. Though this is true at the moment, it would not be a valid argument against accepting a *per capita* basis as the ultimate standard, for which there is much to be said in view of the fact that the services rendered by the central power to a province (particularly the service of defence) may quite fairly be valued by the measure of population. An even more satisfactory basis for the ideal standard would be the gross provincial expenditure; for the gauge of each province's capacity to contribute to the central authority may very reasonably be taken to be its capacity to spend for its own purposes, famine charges or the outlay on any wholly abnormal and unusual emergency being of course excluded from the calculation

20. Provincial Governments will now, the Report advises, be given the right to impose taxes of their own within the limits of a schedule of permissible classes of taxation If they wish to go outside this schedule, the prior sanction of the Governor-General must be obtained to the proposed legislation; and this restriction will presumably be added to those already catalogued in section 79 (3) of the Government of India Act. To this part of the scheme the Government of India readily agree, but they do not think it necessary that a Bill propounding a tax which is within the schedule be forwarded to them before introduction. The reason for this suggestion in the Report was presumably that a local tax may encroach on the sphere of central taxation without infringing the letter of the permitting schedule; a license-tax, for example, might virtually be an income-tax, or a dock duty an addition to the Customs tariff. The law, however, would appear already to provide sufficiently against such encroachment (section 79 (3) (*a*) of the Act), and the veto could reasonably be employed in case of doubt; the less executive interference there is with provincial legislation, the better. The schedule of provincial taxes which may be imposed without further sanction, might include the following:—

any supplement to revenues which are already provincial; *e g.*, cesses on the land, enhanced duties on articles that are now excisable, higher court-fees, increased charges for registration, etc.;

succession duties;

duties upon the unearned increment on land;

taxes on advertisements, amusements (including totalisators), and specified luxuries;

but it should not include any increment to the revenues of the central Government, any addition to the list of articles which are now excisable, or any duty (except as allowed above) on imports from without the province. The schedule should be established by rule, and not by statute, so that it can be corrected or enlarged in the light of experience.

21. On the subject of provincial borrowing the proposals in the Report have the entire concurrence of the Government of India. There has been some criticism, from the provinces. Some local Governments apparently desire an unfettered power of raising loans for provincial purposes; several of them demur to any scrutiny by the central Government of the purposes for which a provincial loan is raised or required. In dealing with these claims the financial situation of India as a whole must be regarded. There are the following liabilities for redeeming or funding temporary unproductive debt in the near future:—

		£
1919	Treasury Bills as on 16th November 1918 . . .	19 millions.
1920	Three-year war bonds	13 „
1921	Ditto	15¾ „
1922	Five-year war bonds	8 „
	Cash certificates, say	5 „
1923	Five-year war bonds	1½ „
1925	Seven-year war bonds	2½ „
1928	Ten-year war bonds	10½ „

These are big figures for the Indian market. There is also the certainty of having to borrow heavily for railway development. The Government of India must, therefore, keep a tight hold upon the market, and cannot afford to be embarrassed by unrestricted competition from the provinces. Again, when the demand for loan funds exceeds the supply which the Government of India can make available in any year, there must be some rough measuring of the relative merits of the proposed expenditure before the central authority makes the final allotment. It goes without saying that the Government of India will

have to give priority to loans required by a province either (*a*) for famine relief and its consequences, or (*b*) to finance its own Provincial Loan Account, which, it may incidentally be mentioned, will now in each case be taken over by the local Governments from the central exchequer. Apart from those special cases the general rule may with propriety be laid down that a province is not to borrow except for capital purposes: this term is capable of more precise definition, but may be provisionally taken as debarring a loan for an object which is not virtually a permanent asset of a material character. The establishment of sinking funds might also be prescribed, at least in the case of unproductive debt. If a province which has been permitted to borrow in the open market infringes these rules, its action will be challenged in audit, and would ordinarily be regarded as detrimental to the solvency of the provincial Government.

22. The hold previously retained over the balances of a province by the Government of India had two lines of justification. In the first place, the central authority is the banker of all public funds, and has to take precautions against withdrawals which may disturb its often fine-drawn calculations of ways and means. In the second place, it had to be vigilant against action by a local Government which might break down the provincial settlement and leave it a claimant for help from central revenues. There is in consequence a standing order that local Governments must, apart from famine requirements, retain minimum balances of the following amounts: —

Madras, Bombay, Bengal and the United Provinces .	20 lakhs each.
Burma and Bihar and Orissa	12 ,, ,,
Punjab, Central Provinces and Assam	10 ,, ,,

There are certain other rules controlling the operation of provincial Governments on their own balances. Furthermore a province is not supposed to budget for a deficit unless it satisfies the Government of India that the excess expenditure is exceptional and non-recurring. In these respects several changes will ensue from the financial emancipation of the provinces. The report advises (paragraph 208) that there be "no more ear-marking of any portion of provincial balances"; but this statement needs, in the Government of India's opinion, some modification and extension To begin with, definite regulations are desirable for the famine assignment made in the settlement with a province (paragraph 204). This annual assignment is cumulative, and should either be earmarked in the provincial balance or invested, in so far as it is not spent on purposes which, in the local Government's recorded opinion, will have a direct and calculable effect in palliating the consequences of drought. Secondly, the rules as to minimum balances and sanction to a budget deficit should be abrogated, and local Governments left to their own responsibility in these matters. Thirdly, a regulation will be needed to the effect that a local Government must give timely intimation of its intentions regarding drawing in each financial year on its credit with the Government of India, and that it be required, in the absence of famine or other grave emergency, to adhere to its programme. This information would provide the central government, in case of war or similar crisis, with the opportunity for inviting local Governments to co-operate (which in the last resort it could require them to do) in conserving the financial resources of the State.

23. The reference to ear-marking in the report has a special significance in regard to "doles". It would, in the Government of India's judgment, be inconsistent with the greater financial independence of provinces that grants should be made in future from the central exchequer for the purpose of imposing a particular line of policy upon local Governments, who would in turn have to account for the employment of the moneys. There is, of course, no reason against a business arrangement with a local Government by which it will take a subsidy from central funds for carrying on some work in which the central and the provincial authorities are jointly interested. But, generally speaking, when the Government of India find that their revenues are becoming in permanent and substantial excess of their requirements, their usual course will be, it is conceived, either to remit central taxation or to make a rateable all-round reduction in the contributions which they take from the provinces. Against this there must be set a corresponding liability on the part of local Governments. One province has made the impossible claim that the scale of

provincial contributions, once fixed, shall never be raised. Obviously the Government of India retain the right, in case of war or grave financial trouble and if they have to decide against adding to the central taxation, of taking a rateable temporary increase on the provincial contributions, subject to a fair understanding with the local Governments as to the remission or even the repayment of the enhanced levy when the situation of central finance permits.

IV.—Provincial Finance under the new system.

24. In an earlier part of this memorandum it has been suggested that the control of central finance may safely be left to the same agency, and pretty much on the same footing, as at present. In the provincial sphere, however, large changes will be necessary, and an attempt to forecast them briefly will now be made. The wide relaxation, which is expected in the Secretary of State's control, and the release of local Governments from much of the present central surveillance over their financial proceedings, will unite in casting a very much heavier burden of responsibility upon the Finance Departments in the provinces. This will certainly be enhanced by the dual character of the spending power in the province. Whatever view be taken of the proposals in the Report for financing "transferred" subjects, it seems clear that the introduction of two final authorities for the preparation of projects to be inserted in the same budget, and for the sanction of expenditure from the same budget, must make the finance more complex and decidedly more delicate than it is to-day.

25. Before the functions of a provincial Finance Department can be discussed with any confidence, it is necessary to decide one most important preliminary. The provincial Government of the uture will consist of two parts. The Governor in Council is to retain certain of the sources of revenue and certain of the chief spending departments Ministers will virtually be responsible for collecting certain other classes of revenue and for controlling certain other spending departments. Is each of these authorities to have a separate Finance Department of its own? Are there to be two agencies of financial control, one for the reserved subjects under the Governor in Council, and another for the transferred subjects under the Governor with his Ministers? In favour of this solution there is the argument that each part of the provincial Government should be a self-contained unit, and the fear that a combined Finance Department would thwart the independence of Ministers in dealing with the subjects for which they will be responsible. On the other hand, there is no argument of method in support of the idea of separate Treasuries. As between reserved and transferred subjects there may be slight differences of procedure; but the standards of propriety in collecting and spending public revenue, and the ideals of financial probity, must be identical in every branch of the administration. Nor is there any argument of convenience, as it will be more advantageous to have the whole financial control under one roof. And of course, there would be no economy in having two full and separate financial staffs, especially as the work on the transferred subjects will at the outset be only a small part of the total provincial finance. In the opinion of the Government of India the need for unity and strength of financial control is decisive, and they unhesitatingly recommend that there be one undivided Finance Department in each province. It would be a reserved department, as by far the greater share of its work would be on reserved subjects; its duty will be the all-important duty of helping both parts of the Government to insist on a high standard of probity in handling the money of the tax-payer; and its functions, if properly administered, will bear some analogy to those of the judiciary.

26. A suggestion has been made that, in order to mark the relations of the Finance Department with both parts of the Government, it should be placed under a sort of Treasury Board, consisting of one Member of Council and one Minister. The idea is impracticable, as it would lead to delays, divided decisions, and unnecessary opportunities for friction. But the dual interests of the Finance Department can be effectively safeguarded in another and more helpful manner. The Government of India consider that, at least in all the larger provinces, there should be, in addition to the regular Finance Secretary,

a second or Joint Secretary, whose business it will be to deal with all cases coming from departments under the control of Ministers. The selection of the officer to fill this appointment would be made by the Governor in deference, whenever possible, to any choice expressed by Ministers. He would be Financial Adviser in all transferred subjects; he would be wholly at the disposal of Ministers, to help and advise them on the financial side of their work; he would prepare their proposals of expenditure and the like for presentation to the Finance Department, and he would see that their cases were properly understood in the department and promptly dealt with. He would act in liaison between the Finance Member of Council and Ministers, and would ensure that transferred subjects get the same technical assistance and care in their financial bearings as reserved subjects. This arrangement, it is hoped, will dispel any apprehension that a unified Finance Department will detract from the authority of Ministers in managing their own portfolios. The function of the Finance Department in truth is not an over-riding power. It is not a body that either dictates or vetoes policy. It watches and advises on the financial provisions which are needed to give effect to policy. It criticizes proposals and can ask for further consideration. It points out defects in methods of assessment and collection; it can demand justification for new expenditure; it can challenge the necessity for spending so much money to secure a given object But in the last resort administrative considerations must prevail. If there is a dispute regarding expenditure on a reserved subject, the Finance Member may urge that it is wrong or wasteful or that it will entail fresh taxation. But he can be overruled by the Governor in Council. If the dispute relates to expenditure on a transferred subject, the Finance Department may similarly expostulate. But the Minister in charge of the particular subject can overrule it and its objections, taking the full responsibility for so doing. In England he would, in theory, have to get the Cabinet to endorse his view in such a case; in an Indian province he would need only the concurrence of the Governor. As practice crystallizes and grows familiar, Ministers will find friendly and valuable help from the Finance Department in developing their schemes of expenditure on sound and economical lines.

27. It is now possible to examine briefly the duties of a provincial Finance Department thus organized; its relations to both parts of the local Government being precisely the same, under the system of provincial finance set out in the report

(1) In its association with the revenue departments the Finance Department will exercise steady pressure in the direction of efficient assessment and collection of every kind of State receipt. There is little more to be said on this branch of the subject; the department will consolidate its position with experience.

(2) It will examine all schemes of new expenditure for which it is proposed to make budget provision; and an invariable rule should be established that no new entry may be inserted in the Budget until it has been scrutinized in the Finance Department and unless the department's opinion upon it is available to the legislature. At this stage the duty of the department is to discuss the necessity for the expenditure and the general propriety of the proposals. It has also to advise as to the provision of the requisite funds; whether they can be met from the existing resources of the province, or whether they will involve new taxation; or in the alternative whether they constitute a proper purpose for borrowing. Should new taxation he contemplated, it would be the Department's duty to criticize the proposals, to advise and estimate. This duty of the Finance Department is a preliminary to *Budget sanction.*

(3) The next duty of the Finance Department relates to the entirely different matter of *Expenditure sanction.* Here it is important that each province should have a rule of the same purport as the existing Government of India rule quoted in paragraph 11 of this memorandum. Insertion of a project in the Budget means that the legislature gives the proper executive authority a power to sanction the expenditure; it is not an order to disburse the money. That order must be given separately by the duly empowered authority; and it should not be given without prior consultation with the Finance Department. At this stage that department can scrutinize and advise on details which were

probably not available at the Budget stage; it has also to see that funds allotted in the estimate for non-recurring expenditure are not employed so as to involve recurring expenditure that has not been foreseen.

(4) An important side of the last two branches of the department's work is that which relates to the public services. There are few greater dangers to a country than the unchallenged growth of the number of functionaries. And in particular there are few occasions on which an executive based on a popular assembly is more vulnerable than when it is pressed to add to the list of appointments paid from the public exchequer. A strong Finance Department is a powerful safeguard against these influences, and it should be definitely laid down by law that no public office should be created, or its emoluments determined, without prior consultation with that department. This will at least ensure publicity; and of course it need not debar delegation of minor powers of appointment.

(5) A prominent duty of the Treasury in England and certain other countries is the control of the issues of money from the exchequer. The Auditor-General, however, in a note appended to this memorandum, considers that this system would be impracticable in India at present, and the Government of India accept his view.

(6) This renders it all the more imperative that the Finance Department should be in a position to check expenditure for which there is no Budget provision, or which is in excess of the Budget provision, whether it is covered by the appropriation of savings from a Budget grant or not. The information about any such irregularity will reach the Finance Department through the accounts and in the course of audit. But an obligation should also rest upon the executive authority concerned to give the department timely intimation; and the Government of India recommend the following rules:—

(*a*) budgetted funds may not be transferred between minor heads of the same major head without prior consultation with the Finance Department;

(*b*) funds may not be transferred between major heads without either the concurrence of the Finance Department or the approval of the authority which passed the Budget;

(*c*) unless covered by transferred savings, no unbudgetted expenditure or expenditure in excess of the Budget provision for it may be incurred without either the concurrence of the Finance Department or the approval of the authority which passed the Budget.

The general effect of these rules will be to ensure that the intentions of the legislature are not seriously departed from without the knowledge of the Finance Department, which will be responsible for interpreting those intentions in a reasonable spirit. Convenience and commonsense will suggest some pecuniary limits below which the rules will not operate. Above those limits, however, it will be the function of the Finance Department either (*i*) to condone the unauthorized charges where it does not consider that they depart materially from the purposes of the Budget, or, (*ii*) where it regards the departure as serious, to report the matter to the legislature for its orders. A model set of detailed rules can be drawn up for the guidance of the provinces, but the main principles ought to be embodied in regulations under the constitutional law.

(7) Finally, the Finance Department must be in intimate relations with the Audit. It will have to advise the auditor regarding the scope and intentions of schemes of expenditure, having itself been apprised of these in its discussions with the executive authority at the preliminary stages. It will be consulted by the auditor about the detailed application of financial principles and the interpretation of financial rules. It will keep him informed about prices, local rates of labour, and many other facts which are relevant to his audit but of which he has no other source of knowledge.

V.—Audit in the Provinces.

28. This leads to the last topic in the memorandum, the manner of auditing the provincial accounts under the new system. Here, again, the work will be conducted on exactly the same principles for the reserved and for the trans-

ferred subjects. It will be carried out by the provincial Accountant-General acting as the Deputy of the Auditor-General, in complete independence of both the Governor in Council and the Ministers. The Government of India need not labour the supreme value of an efficient and independent audit. In relation to the revenue departments its duty will be to see that the methods of assessment accord with the law, and that the collections are prompt, impartial and businesslike. In relation to expenditure, it will have regard to the financial regulations of the province, and also to the broad principles of legitimate public finance. It will not only see that there is code authority for all outlay, but also investigate the necessity for it. Was this item in furtherance of the scheme for which the Budget provided? Could the same result have been obtained otherwise with greater economy? Was the rate and scale of expenditure justified in the circumstances? If purchases were made, were they effected with due publicity of tender, etc? The Audit will constantly be asking such questions as these—in fact, every question that might be expected from an intelligent tax-payer bent on getting the best value for his money. At present the audit department generally is tied too much to formalities—the codes, and their cumbersome details, rather than their spirit. Until recently it very rarely challenged the wisdom of any public expenditure, or its economy, or its conformity with policy. It was usually content with proof that the money was actually spent on its declared purpose, and that there was proper formal authorization under the codes for its outlay. All this will have now to be replaced by a spirit of greater inquiry.

29. In dealing with audit reports, the procedure recommended by the Government of India is as follows. Each report will be submitted to the Governor, for communication to the executive authority concerned, whether Member of Council or Minister. Copies will simultaneously go to the provincial Finance Department and to the Auditor-General. The Finance Department will take orders upon the report. In the case of reserved subjects, the Governor in Council will dispose of the report and have power to condone surcharges and disallowances, except where they relate to definite infringements of orders of the Secretary of State or the Government of India. In the case of transferred subjects, Ministers will have an exactly corresponding position. But, in each case, the Finance Department will place the report and the orders upon it before the legislative authority which passed the Budget. As part of the constitutional scheme, that body should be expected to appoint a Public Accounts Committee, before whom would come all audit reports, and all cases of unauthorized expenditure and transfers which the Finance Department decides to submit to them. Cases where orders of the Government of India or of the Secretary of State have been infringed will be referred to those authorities respectively through the Auditor-General. Otherwise the legislature will have final power to condone or enforce any audit objection and to vary whatever executive orders may have been passed on it. But before the Public Accounts Committee the Finance Department will be the champion of the audit. It will bring all irregularities into the light of day, and will move the Committee to accord them full consideration and to deal adequately with the offenders. For this purpose it must have full right of access to the Committee, and should be represented at every sitting held in connexion with the audit reports and the annual statement of excesses and re-appropriations. In this sketch of procedure there is, it will be understood, nothing that derogates from the right of an Accountant-General to bring financial irregularities immediately to the notice of his local Government, or of the Auditor-General to bring to the notice of the Secretary of State any matter in which he considers the action of a local Government to have been perverse or contrary to public interests.

AUDIT AND ACCOUNTS UNDER THE REFORM SCHEME.

[NOTE. 1—Throughout this memorandum whenever the word "Indian" is used in contradistinction to "Provincial", it is adopted in place of the word "Imperial" in the technical sense in which that word is now employed in relation to Indian Finance.

NOTE 2.—In the brief preliminary explanation of the existing system, there is no reference to the arrangements for the audit and accounting of transactions of certain Indian Departments which are undertaken by departmental Accountants-General working directly under the Comptroller and Auditor-General, as these arrangements need not come under consideration in this connection.]

1. The unit of administration in India is the district, of which there are more than 200, and at the headquarters of each district is a Government treasury into which and from which all Government receipts and expenditure within the district, whether Indian or provincial, are paid. There is a strict demarcation in the treasury between the maintenance of the accounts and the receipt and issue of money. A gazetted officer, called the Treasury Officer, who is always a member of the Provincial Civil Service, is responsible to the Collector for all the work done at the treasury. The accounting work is supervised, under the Treasury Officer, by the Accountant and the monetary transactions by the Treasurer. The Treasury Officer is responsible for a rough verification of the accounts balance with the cash balance at the end of each day while the Collector is responsible for a strict verification of the cash balance at the end of the month and for a certificate as to the agreement of the cash and account balances. On the 11th day of each month the bills presented and paid during the first ten days are forwarded to the Account Office, while at the close of the month the remaining bills are forwarded with a cash account for the transactions of the month and also a report as to the cash balances. Except in Madras, the treasury staff make little attempt to classify under various heads of account the receipts and the payments at the treasury.

2. On arrival at the Accounts Office of the province, these documents pass into the hands of a district auditor, who is generally responsible for the audit and classification of all the transactions and for the posting of these transactions into the "district classified abstract", which is the first stage in the preparation of the final Government accounts. Some of the bills, the audit of which requires specialised knowledge, are sent to other audit sections. After audit these bills are returned to the district auditor for entry in the classified abstract. The classified abstracts on completion and check are sent to another section of the Account Office, in which the transactions are reposted so as to bring together under each head of account the transactions in each district, thus working up to a total of all the transactions within the province under each head of account.

3. It is important to notice at this stage that these accounts include both Indian and provincial transactions and that the working out of provincial balances apart from the Indian balances is solely a matter of accounting and is accompanied by no corresponding separate cash balance.

4. The head of the Account Office, called usually an Accountant-General, in addition to his work in connection with audit and account within the province, exercises other functions in respect of—

(1) Budget work, and

(2) Currency and resource.

5. At present the responsibility for the initial preparation of the provincial budget rests with the local Government, which forwards the budget to the Government of India for its acceptance.

Before framing the budget, the estimates, which have been prepared by various departmental heads, are nearly always sent to the Accountant-General for check and comment. These comments are based mainly on a comparison of the anticipated expenditure with the expenditure under the same head in previous years, while the Accountant-General also brings to the notice of the local Government any entries in the estimate for which no sanction has yet been obtained. A revised estimate is prepared during the course of the year

and the primary responsibility for advising the Government of India as to the receipts and expenditure that they may anticipate rests with the Accountant-General and not with the local Government.

6. The natural comment in respect of the Accountant-General's budget work is that he is exercising a function which pertains properly to the Finance Department of the local Government or of the Government of India. The explanation of the existing arrangement is that the duties now performed by the Accountant-General necessitate constant reference to the latest available figures as regards the progress of receipts and expenditure and to the sanctions accorded by the various sanctioning authorities. The former are immediately available only in the Account Offices and in practice Account Offices work during the budget season at very high pressure so as to make these figures available up to the latest possible date. The transmission of these actuals to any other authority, to be utilised by them, would delay the preparation or the revision of the budget. Sanctions are also brought together more systematically in Account Offices than elsewhere.

7. The manner in which the Government of India administer the currency and resource operations of the country will be described, if necessary, in a separate note. For the purpose of this note, it is sufficient to explain that in every important province there is a Currency Office in which is kept the greater part of the Government cash balances. At every treasury, however, sufficient cash is retained in order to meet immediate demands, while the surplus receipts at most treasuries are set aside in separate receptacles as part of the currency balance of the country. A demand of a treasury for additional cash to meet anticipated expenditure is usually met by a transfer of money from the currency chest to the treasury against a corresponding transfer in the reverse direction at another currency chest. The officer responsible to the Government of India for these and all other currency transactions throughout India is the Controller of Currency, but he acts through the Accountant-General, who issues detailed orders for the transactions within his own province Thus the Accountant-General works under two masters. As regards accounts and budget he is responsible to the Government of India through the Comptroller-General, who is the head of the Department. As regards audit he is responsible to the Auditor-General, who is also the Comptroller-General. His work in connection with currency and resource is executed under the instructions of the Controller of Currency, who works under the Government of India in the Finance Department.

8. Expenditure on accounts and audit throughout India is an Indian charge (neglecting the cost of a small establishment in each province engaged in auditing the accounts of local bodies).

9. The officers in these Account Offices belong to the Indian Finance Department and, in view of the similarity of names, it may be desirable to explain the essential difference between this Department and the Finance Department of the Government of India. The latter is an integral portion of the Government of India itself—like the Home Department. The former is a service of officers performing financial duties throughout India and subject directly and solely to the authority of the Government of India in the Finance Department.

10. The Indian Finance Department is recruited—as to one-sixth of the appointments, by the promotion of subordinates—and as to the remainder, by recruitment in England and in India in such manner as to ensure that one half of the vacancies are filled by Indians. In connection with the report of the Public Services Commission, the Government of India have recommended to the Secretary of State that hereafter two-thirds of the vacancies shall be filled by Indians. The officers of the Department are on a time-scale of pay, *viz.*, Rs. 300—50—1,250—$\frac{50}{2}$—1,500. Above that there are, in addition to posts reserved for Indian Civil Service, 9 appointments in Class I on a pay of R1,500—60—1,800, 3 appointments of Chief Auditors of Railways on R1,800 and R2,000 per mensem and 6 appointments of Accountants-General on R2,250, 2,500, and 2,750. All appointments to the Department in India, all promotions to Class I and all appointments as Comptroller, Chief Auditor or Examiner,

Military Works Services, are made by the Government of India in the Finance Department, while appointments as Accountants-General have to be approved by the Viceroy. In the same way the grant of leave to, and the transfer of, Accountants-General, Comptrollers, Chief Auditors, Examiner, Military Works Services, and officers of Class I, and any disciplinary action in respect of such officers, require the sanction of the Government of India, The Government of India also pass orders on the results of departmental examinations, grant extensions of service and sanction pensions. In all these matters the Comptroller-General exercises all the powers not expressly reserved, as indicated above, for the Government of India or the Viceroy.

In respect of other matters connected with the administration of the Department, the Comptroller-General has been vested with the powers of a Head of a Department under the Government of India. This gives him very little power to sanction permanent appointments, but a fairly free hand in sanctioning temporary appointments and miscellaneous expenditure generally.

11. The title of the head of the Department—Comptroller and Auditor-General—connotes his dual functions. As Comptroller-General he is the administrative head of the Department and is also responsible for the compilation of the accounts of India as a whole. In this capacity he is subordinate to the Government of India, while as Auditor-General he is responsible to the Secretary of State alone. On an audit question he can insist on a reference to the Secretary of State and his annual Audit and Appropriation Report has to be forwarded by the Government of India to that authority. To enhance his independence, the Comptroller and Auditor-General is appointed by the Secretary of State on the recommendation of the Viceroy and he is given to understand that he cannot ordinarily expect to receive any higher appointment under the Government of India.

12. When complete provincial autonomy has been attained, it may be assumed that the provincial Account Office will no longer be required to bring to account Indian transactions occurring within the province, and that the preliminary record of any Indian receipts or expenditure paid into, or from, a provincial treasury will be sent to an Indian Account Office either direct from the treasury or through the provincial Account Office, which will merely act as a post office. The provincial Account Office will then deal with nothing but provincial transactions and its cost can appropriately become a provincial charge and the officers serving therein can belong to a provincial service.

The provincial Auditor-General will then be the officer on whom the Legislature will depend for ascertaining whether the financial orders passed by them have been complied with and for bringing to their notice any violations of those orders. He must then be in a position of the utmost independence and his appointment should be on a statutory basis. He should be empowered to bring to light, in regard to public expenditure, violations not merely of rule but also of the canons of financial propriety. One may anticipate that the Legislature on receipt of his report will appoint from among themselves a committee to enquire into the irregularities brought to notice and to advise as to the action to be taken against the offenders and to prevent the perpetration of similar irregularities in future.

13. It is premature yet to foreshadow whether this officer should then continue to be the head of the Account Department. This must depend on the result of any changes which may be made in the near future in the position and functions of the Comptroller and Auditor-General, a question which is discussed later in this note.

14. This picture of the ultimate goal is presented as a guide in determining what progress it is possible to make at present towards that goal. In discussing this question due regard must be paid to the system and degree of Financial control to be introduced in the near future, a matter which is discussed in detail in another note. For the purpose of this discussion, it may be accepted that financial control, as exercised by the Finance Department of a provincial Government, will for the present a reserved subject and will be one of the last of those subjects to be transferred. Financial control depends very largely

upon an efficient system of audit and account and the handing over of the supervision of audit and accounts to the Ministers should be simultaneous with the transfer to them of financial control.

15. It does not necessarily follow, however, that it may not be possible before that date to set up separate agencies for the auditing and accounting of Indian and provincial transactions respectively. But the difficulties which would then arise must be weighed.

16. One practical difficulty will be that each Treasury Officer will come under the orders of two accounting officers in respect of Indian and provincial transactions respectively. Hereafter a recommendation will be made that Accountants General shall no longer remain responsible for currency and resource operations, those duties being transferred to other officers working directly under the Controller of Currency. If that recommendation is accepted and given effect to, the position of the Treasury Officer in a district will then be as follows. In respect of resource operations, he will have to obey the orders of an officer subordinate to the Controller of Currency. In respect of audit and accounts he will have to obey the instructions of the Accountant-General. As a member of the provincial service, and also, in many cases, in respect of other branches of work allotted to him, he will be under the orders of the Collector. It will be a little difficult to require him, in respect of the audit and accounting of Indian transactions, to come under a fourth officer. This difficulty may not be insuperable, but at present it is undoubtedly serious. If ever the time comes when there is a State bank with a branch in each district responsible for all currency and resource operations in India, the difficulty arising from the multifarious duties of the Treasury Officer will be diminished. The time may even come when Treasury Officers will be chosen, not from the Provincial Civil Service, but from the Provincial Accounts Department.

17. A more serious difficulty will be the diminution of independence which will be the probable consequence of the substitution of numerous small audit departments for the existing Indian Finance Department, which now performs these duties of audit and account throughout India. The officers of the department number over two hundred. The traditions of the department, its numerical strength, its prestige as an Indian department, the constant transfers of the officers from one office to another throughout India, all contribute towards the honesty and independence for which the department has a high reputation. Prior to 1910, the auditing and accounting of Public Works transactions were the duty of a separate Public Works Accounts Department, which formed a portion of the Public Works Department and worked under the orders of the Government of India in the Public Works Department. In that year that Accounts Department was amalgamated with the Indian Finance Department and one of the main reasons for the amalgamation was the feeling that officers of the Public Works Accounts Department, in the performance of their audit functions, were not so independent as the officers of the Indian Finance Department. There can be little doubt that the amalgamation has effected a considerable improvement in this respect. If the Indian Finance Department were split up into different cadres—one for each province—the number of officers working in each province would be very small, while, remaining for the whole of their service in the same province, they would be more subject to local influence and would lose that breadth of outlook which comes by transfer from one office to another.

18. The arguments in favour of an increase, rather than a diminution, in the near future of the independence and breadth of outlook of audit officers are overwhelming. On this point and on the relations between audit officers and a provincial Financial Secretariat in future I am in entire agreement with the views expressed in paragraphs 27 and 28 of the memorandum. The work of audit officers will inevitably increase in importance as the Reform Scheme comes into effect. In paragraph 260 of the report the authors state "on the other hand it should be made plain to them (*i.e.*, the Government of India) that, if certain functions have been seriously maladministered, it will be open to them with the sanction of the Secretary of State to retransfer subjects from the transferred to the reserved list, or to place restrictions for the future

on the Ministers' powers in respect of certain transferred subjects." If ever such action has to be taken, its need will have been proved by the records of the local Finance Department in their relation with the Ministers and by serious financial irregularities, perpetrated in connection with transferred subjects, brought to light in the appropriation reports of the Auditor-General and of the local Accountants-General.

Moreover, it may reasonably be contemplated that one measure of financial control will be the creation of various Accounts Committees who will be entrusted by the various legislatures with the duty of investigating financial irregularities brought to light in the various appropriation reports. It will then be the duty of the authors of those reports to appear before those Committees and explain to the members the facts of each case.

At first Ministers will be peculiarly susceptible to public opinion and should, therefore, welcome the maintenance of a strong and independent audit department, the existence of which will enable them to refute an accusation of financial impropriety in the exercise of their official duties. This argument will be all the stronger if the audit department regards itself as empowered to report not merely those cases in which definite rules have been violated, but also those cases which, though not contrary to any particular rule, yet contain elements of financial impropriety.

19. For all these reasons, while the formation of separate provincial Account Offices must be regarded as eventually inevitable, I am strongly of opinion that the department should remain an Indian department as long as possible. There is no objection, however, to each province meeting that portion of the cost of the Civil Account Office of the province, which represents the share of the work done in that office in respect of provincial audit and accounts.

20. I am also of opinion that it will not be practicable to divest the existing Account Offices in each province of their responsibility for the audit and accounting of Indian transactions within the province until the number of transactions thus brought to account is considerably reduced, or until Local Governments become, to a smaller extent than at present, the agents of the Government of India in such matters.

21. It has already been urged that, when the Accountant-General in each province becomes an independent audit officer, his position should be regulated by statute. Meanwhile, for the same reasons, it is of even more importance that the final audit authority in India, *i.e.*, the Auditor-General, should also have his position fixed by statute.

22. It has already been explained that the Auditor-General and the Comptroller-General are one, and that, while the Comptroller-General as the administrative head of the Indian Finance Department is subordinate to the Government of India, as the Auditor-General he is responsible to the Secretary of State alone. The manner in which he exercises his duties as Auditor-General needs explanation. He performs no independent audit work. All the audit is done by and under the supervision of various heads of Account Offices. The Auditor-General, however, has a staff of inspecting deputies, who examine, once every two years, the work done in each Audit Office and report thereon to the Auditor-General. He also receives copies of the appropriation reports, prepared by each Accountant-General in respect of provincial transactions, which are forwarded by them to local Governments for information. Outside these appropriation reports, the Auditor-General is also kept informed periodically by his officers of all important irregularities brought to light. From the information thus compiled throughout the year, the Auditor-General prepares his annual appropriation report in which he exhibits the result of the audit against the appropriations made in the budget—increased or diminished by fresh grants, withdrawals or reappropriations during the year—and also the more important financial irregularities detected by audit in the course of the year. This report is submitted to the Government of India, who have to forward it, as it stands, to the Secretary of State. At the same time the report is circulated to every local Government, which is under obligation

to send to the Auditor-General any further explanation it may desire to offer in respect of any irregularity brought to light and to state the action, if any, which has been taken against the officer responsible for the irregularity. The Auditor-General may then call for any further explanation he desires and may state whether he considers the action taken adequate or the reverse. The Auditor-General is responsible for stating in each report how far he is satisfied with the explanations which have been offered by local Governments, or with the action taken by them, in respect of irregularities previously reported, and this opportunity of returning to the charge enables him to express with considerable force his views to local Governments in respect of any irregularity mentioned in his report. (It may be noted here that the local Government is not under any obligation to consider in detail the irregularities brought to light by the Accountant-General in the local appropriation report, though in practice most of them do so.)

23. It is now possible to consider whether any immediate alterations are desirable in the status and functions of the Comptroller and Auditor-General and in the duties imposed upon the heads of Account Offices. It is convenient to consider first the functions of the Comptroller and Auditor-General. It is of the utmost importance that an audit officer should be in as independent a position as possible. There cannot be complete independence of audit in India so long as the Accountants-General, who are responsible for the initial audit, are directly subordinate to the Government of India, seeing that some orders, which they have to apply in audit, are orders issued by the Secretary of State defining and limiting the powers of the Government of India. It is no answer to this argument to say that the supreme audit authority is vested in the Auditor-General, because the Accountant-General is responsible for framing his own conclusions as to the sanction required for any item of expenditure, and the intervention of the Auditor-General is secured only by way of appeal against his decisions. Again, it cannot be said that the Auditor-General is in complete independence so long as the position is that the officer, who as Auditor-General is supreme in audit matters, is, at the same time, subordinate as Comptroller-General to the Government of India in the administration of the department.

24. If the independence of the Auditor-General is to be enhanced, two alternative modifications of the existing arrangements may be considered. The first is to retain one officer with dual functions and to hand over to him complete control of the department, the Government of India in the Finance Department absolving themselves of all responsibility and authority in that matter.

25. The second alternative is to separate the two functions and to have a Comptroller-General who shall administer the whole department as at present but be relieved of final authority in audit matters, that authority being vested in an Auditor-General with his own staff permanently working in the various Account Offices and checking on behalf of the Auditor-General the audit which has been undertaken therein.

26. I may mention that considerable thought has been devoted to the consideration of the question whether it will be possible to separate in Account Offices in India the audit duties from the other duties performed therein. A change in procedure which would inevitably be the first change, if any such modification were to be introduced, has been under trial in one provincial Account Office for the last 7 or 8 years. The results have been condemned by every Accountant-General who has watched it. I am convinced that such a separation is impracticable.

27. As regards the alternative proposals mentioned above, I prefer the former, inasmuch as the whole of the audit will then be performed by officers who are immediately responsible to the Auditor-General and to no other authority. Under the second proposal the actual audit will be performed by officers not subject in any way to the Auditor-General, who would obtain his information merely from a recheck of a small part of the audit. After mature consideration, I have come to the conclusion that in practice the existing arrangement, under which the audit officers are directly subordinate and responsible to the Comptroller and Auditor-General, even though it involves the

subordination of that officer to two authorities, gives better results than could be anticipated from a system under which the actual audit is performed by officers not subordinate to the Auditor-General. It follows, therefore, that I recommend the adoption of the former alternative, *viz.*, the abolition of the control of the Government of India over the Indian Finance Department and the vesting in the Comptroller and Auditor-General of all the powers of the Government of India regarding the Department. I also consider that the Comptroller and Auditor-General should have powers of surcharge and of calling for papers

28. I am bound to state, however, that since the creation in 1914 of the post of Comptroller and Auditor-General on its new basis the control of the Government of India over the Department has not reduced audit independence. My recommendation, therefore, is based on the theoretical desirability of audit independence and on the possibility, very remote it is admitted, of interference therewith if the existing system continue, rather than on any case in which audit independence has suffered.

29. As regards the functions of Accountants-General, I have already expressed the opinion that they should be relieved of duties connected with currency and resource work in respect of which they come directly under another officer. The importance of the currency and resource work, which has to be undertaken by various Accountants-General, varies considerably, so that at any moment a situation may arise in which the Controller of Currency may desire the removal of an Accountant-General to a station where the currency work is less important, because he has shown himself unfit to perform the currency work in a province where such work is of considerable importance. The duty will then devolve on the Comptroller and Auditor-General as head of the Finance Department of recommending to the Government of India in the Finance Department the transfers which will be necessary in order to accede to the request of the Controller of Currency. The Comptroller and Auditor-General, in the interests of the account and audit work, may desire to leave that officer where he is or he may find it difficult to suggest arrangements which will satisfy both the Controller of Currency and himself. I wish it to be understood that these remarks are made purely from a theoretical standpoint. Since the separation of the functions of the Controller of Currency, I know of no case in which such a situation, as is apprehended above, has arisen between the Comptroller-General and the Controller of Currency, but existing arrangements render possible such conflict of opinion, and I think it is desirable that these duties should be separated if the separation can be effected without serious administrative difficulty, specially as many of the Accountants-General are at present seriously overworked. I do not think that it will be found difficult to make the separation.

30. The Accountant-General at present advises the Controller of Currency as to some of the figures to be adopted in his forecasts. Inasmuch as his advice is based on accounts figures this assistance must continue. I do not consider that the duty of advising other officers as to the figures to be adopted in budget or currency forecasts is any real infringement on his independence as an audit officer.

31. The manner in which the Auditor-General's reports should be dealt with in future is more a matter of financial control than of audit. It is sufficient to remark here that, until there is a separate Auditor-General for each province, any appropriation report, which may hereafter have to be submitted to a local Government or legislature, should be issued by the Auditor-General, even though it may have been prepared for him by the provincial Accountant-General. In so far as such reports relate to "transferred" subjects it seems desirable that they should be considered by committees appointed by the legislature.

32. Every effort should be made to improve the efficiency of the audit and, as one measure, to this end, I suggest that the rules contained in the existing codes, which have to be applied in audit, should be recast entirely. For nearly four years it has been my duty from time to time to ascertain the manner in which rules in these codes have originated and expanded and the growth of the accretions, by which the original rules have become overlaid

with exceptions and explanations and even in many cases with principles incompatible with those which the original rules desired to express. As such cases come to notice, endeavours have been made to redraft individual rules, but I am convinced that the time has now come for this matter to be taken up systematically with the avowed intention of evolving as simple as possible a set of fundamental rules within which local Governments may be given large powers in the application of these principles to individual cases. It is desirable, however, to sound one note of warning. The Reform Scheme contemplates not merely devolution but also decentralisation, and any system of delegation of power involves the creation of a set of rules defining that power, which rules it will be the duty of the audit officer to apply. While, therefore, valuable work can be done in simplifying and harmonising the principles underlying the rules in various codes and in reducing those into a set of fundamental rules, it is inevitable that, subsidiary to those rules in each province, there will be a mass of other rules defining and limiting the power of subordinate authorities within each province. It is to be hoped that the experience of the Government of India will be a warning to the financial authorities in the provinces and an inducement to them to keep the subsidiary rules as few as possible.

33. It will also be the duty of the audit officers to relax their attention to details and to devote more and more of their time to a consideration of the manner in which the various executive officers are undertaking their more important financial responsibilities. There can be no advance in this direction, however, unless those authorities appreciate more clearly than they do at present, the position and duties of the audit officer. Any scrutiny of, or enquiry as to, the manner in which executive officers are exercising the financial responsibilities entrusted to them by Government is often resented by such officers and an important part of the functions of any Finance Department, and an important feature of financial control, will be the duty of explaining to authorities incurring expenditure on behalf of Government the duty which is imposed upon audit officers to scrutinise the manner in which those duties are performed.

34. In conclusion, a few minor changes require comment :—

The existing accounts are very elaborate. The first great division is into :—

(*i*) revenue and service heads for the revenue and expenditure proper of Government ; and

(*ii*) debt and remittance heads for the receipts and payments incurred, in respect of which Government acts as a banker or remitter or borrower or lender, or which are merely in transit from one place or head of account to another.

The main unit of classification is the major head, of which there are about 34 under revenue, 51 under service and about 70 on each side of the account for debt and remittance. The major heads are sub-divided into minor heads of which there are 200 under revenue and nearly 300 under service and several hundreds under debt and remittance, and finally there are detailed heads which run into thousands. The existing arrangement is that, while the main structure of the accounts remains under the complete control of the Government of India, local Governments are given full power to vary the detailed heads. The final record of account in India is the volume entitled the Finance and Revenue Accounts which is presented to Parliament. It is an essential feature of the Reform Scheme that the Secretary of State and the Government of India reserve full right to call for information in any form they require and the main structure of the accounts will no doubt be decided by a request by the Secretary of State or the Government of India for the accounts to be submitted to them annually in a particular form. It may be anticipated that this form will not be in undue detail, and that within the form the local Government will have full power to amplify or modify the details. They will also no doubt be able to recommend to the requesting authority either an amplification or modification of the form in which the information is called for. But until the form is modified by either authority, the form required will determine the

structure of the accounts maintained by the Accounts Department. Inasmuch as accounts purport to be a statistical presentation of facts, any complete separation of provincial from Indian finance will necessarily be accompanied by a separation of provincial from Indian accounts. This will affect the whole structure of the accounts, but it is unnecessary to discuss at this stage the detailed consequential changes—a matter which can suitably be left over for future consideration.

35. Some of the general principles governing the classification of the accounts will require modification as the Reform Scheme develops. Thus at present the general rule is that inter-provincial adjustments are prohibited except with the concurrence of both Governments concerned. With the greater independence and isolation of provincial finances this rule will no doubt have to be reversed, inter-provincial adjustments being allowed unless both provinces agree to waive any adjustment in a particular case.

36. Another important fundamental principle is that "the classification in the public accounts has closer reference to the department in which the revenue or expenditure occurs than to the object of the revenue or expenditure or the grounds upon which it is sanctioned". As the separation between "reserved" and "transferred" subjects and between Indian and provincial expenditure becomes more and more complete, it will become more in accordance with facts to regard a department, which incurs expenditure on behalf of another, rather as an agent of that department than as a fellow servant of Government, both spending money from one fund. The modification of this rule, however, must be determined by the facts as they evolve and it is sufficient at present to note that this principle, simple and efficient though it has been in the past, may have to be gradually abandoned.

37. Any division of provincial subjects into "reserved" and "transferred" will accentuate the importance of the work of Account Offices in the classification of receipts and expenditure. At present the Accountant-General is enjoined to refer to the Comptroller-General all questions bearing on the classification of receipts and charges and other matters of account, such questions not being referred to the Government of India unless the Comptroller-General is in doubt or the local Government does not accept the Comptroller-General's view. In future the Governor will take the place of the Government of India as the final authority as regards the classification of a provincial receipt or expenditure as "reserved" or "transferred."

M. F. GAUNTLETT.

10th December 1918.

EXCHEQUER ISSUES.

Several authorities have recommended the introduction into India of some form of exchequer issues as a means of securing more complete and efficient financial control over payments.

2. It may be desirable to explain briefly the existing arrangements in India and the difficulties that may be anticipated if it is decided to extend those arrangements so as to constitute a complete system of exchequer issues.

3. The fundamental rule regarding the payment from a treasury in India is that "if a demand is presented at a treasury which is not provided for by the rules in the Account Code or is not covered by a special order received from the Account Office the duty of the Treasury Officer is to decline payment for want of authority." It is even stated that "a Treasury Officer has no authority to act under an order of Government sanctioning a payment unless it is an express order *to him* to make the payment, and even such orders should, in the absence of urgency, be sent through the Accountant-General." It would be difficult and would render this note unduly long to discuss the application of this rule to every form of payment at a treasury. It is sufficiently accurate to state, perhaps, that under this rule no salary or establishment or travelling allowance bill or any bill for ordinary contingent charges could be cashed at a treasury unless the Treasury Officer had received a copy of an order passed by competent authority sanctioning the entertainment of the officer or establishment in respect of, or by whom, the charge is incurred. In the same way a bill for a contingent charge of a special nature, such as a grant-in-aid, would not be passed until a Treasury Officer had received due authority.

4. These arrangements in practice prevent serious excesses over the grants for expenditure of a recurring character, such as on salaries, so that control by any system of exchequer warrant is unnecessary, while it is undesirable seeing that the expenditure, once it is sanctioned, is inevitable. But much expenditure is of a non-recurring type, and as the most important expenditure of this type is that on Public Works it may be desirable to explain in more detail the Indian system of check over the drawals for such expenditure.

5. Prior to the amalgamation of the two Accounts Departments in 1910, officers of the Public Works Department drew lump sums from the treasuries and made therefrom all disbursements of Public Works expenditure. These drawals were made against letters of credit issued by the Accounts Officers. As a result of the amalgamation, salary, establishment and travelling allowance bills are now in some provinces payable at the treasuries and from the 1st April 1919 this will be the practice everywhere. The drawings of Public Works Officers for the disbursements of other forms of expenditure will then no longer be checked against letters of credit. In Bengal they have been abolished since 1912. This course has been taken because after mature consideration it has been decided that the extra check imposed thereby is not worth the trouble entailed by the continuance of the system.

6. The procedure under this system was as follows :—

Each Executive Engineer had to estimate his expenditure, during the period covered by the letter of credit, on each individual work in progress and on other forms of expenditure such as salaries, establishment, travelling allowances and contingencies. He also had to estimate the balances left over from his existing letter of credit and deduct this from his estimated total grant so as to arrive at the amount required under the new letter of credit. The Chief Engineer in each province had to check all these demands from the Executive Engineers. If his check was to be of any real value he would have to take into account the personal equation of each Executive Engineer, and it is probable that his office also exercised a statistical check over these demands against the drawings during the same period in previous years. The Chief Engineer then prepared a consolidated statement for the province and sent it to the Accountant-General. He issued the letters of credit to individual treasuries and, at the same time,

posted the amounts of these letters of credit in the registers in which had been entered the grant under each major head concerned, so as to ensure that letters of credit were not issued in excess of the grant under each major head. At the close of the month, the Executive Engineer submitted his pass book to the account office together with his monthly accounts. The operations on the letter of credit, as indicated in the pass book, were then checked in the Account Office.

7. In forming a correct appreciation of the amount of work entailed, it has to be remembered that under this system a letter of credit had to be prepared for the transactions of an Executive Engineer under each major head of account at each treasury from which he drew funds. Excluding the heads exhibiting railway expenditure, there are six major heads which can be operated upon by an Executive Engineer. In the United Provinces, there are, I believe, 48 treasuries. One Executive Engineer may have drawing accounts at two or three of these treasuries, while in other cases four or five or even six Executive Engineers may have drawing accounts at one treasury. Thus the amount of work entailed was enormous.

8. It was fully recognised, moreover, that this check against letters of credit was the least important check applied to Public Works expenditure. Salary and establishment bills are always checked against sanctions: travelling allowance and many forms of contingent bills against grant. Special contingencies are also checked against grants and often against sanctions as well. In respect of expenditure on works proper, the main checks are against estimates and allotments and, having regard to the importance of these checks, it was decided after full consideration that the value of the further check against the letter of credit was incommensurate with the amount of work entailed.

9. The system still obtains in respect of expenditure on forests, but there its operation is simpler, as fewer major heads, treasuries and officers are involved. Its abolition in respect of such expenditure was proposed years ago, but the matter was held over until the result of the abolition in respect of Public Works expenditure became apparent.

10. A statement is enclosed showing the net grant and expenditure—Imperial and Provincial—during the last 4 years in 5 provinces under all the Public Works heads of expenditure. This statement gives 76 comparisons between actuals and net grant and in 11 cases only is there any excess, only one of which is of any importance. In no year has the total grant of these 5 provinces been exceeded. It is noteworthy that Bengal is the only province in which during this period there has never been an excess over the grant and also the only province in which letters of credit were not in existence. There will be more danger, however, of excess drawals in future if, as seems probable, the powers of re-appropriation are reduced considerably.

11. On the whole I do not recommend the introduction of any general system of letters of credit, and I gather that those authorities that have put forward this recommendation have agreed that its application to routine payments would involve unnecessary labour. As regards its introduction as a check on the drawings in respect of large items of expenditure, it may be more convenient to discuss the question in the first place as regards Public Works expenditure only. It would not be difficult to apply this system to those works which are so important as to require the sole attention of an Executive Engineer, as then the check could be applied to the whole of the financial operations of that Executive Engineer. Difficulty would arise, however, in the case of an Executive Engineer who combines with numerous petty duties the supervision of a work so important as to require control by letters of credit. In that event the Executive Engineer would have to specify when drawing a cheque on a treasury whether the cheque was to be taken against the letter of credit or whether it was for work to which that check had not to be applied. I am of opinion that such a procedure is impracticable and that if any work supervised by an Executive Engineer is so important as to require control by a letter of credit, then the letter of credit should cover all the operations of that Executive Engineer under the check of the letter of credit.

12. The conclusions of this note may be summarised as follows :—

(1) The introduction of a system of letter of credit for ordinary civil expenditure is unnecessary.

(2) As regards Public Works expenditure:—

(*i*) The experience of the past few years does not indicate that excess drawals constitute a serious evil :

(*ii*) A reduction of the power of reappropriation may lead to an increase of excess drawals under individual heads though the net provincial balances will remain unaffected :

(*iii*) In view of the decentralisation of payments in India it is undesirable to introduce a system of letters of credit in respect of the drawings for all works expenditure :

(*iv*) If it be thought necessary, such a check may be introduced on the drawings in respect of important works, that phrase being defined as meaning any work the estimated expenditure on which exceeds, say, one lakh (the limit, of course, being subject to further discussion with the technical authorities) :

(*v*) Whenever an Executive Engineer has to draw funds from a treasury for expenditure on an important work, as so defined, the whole of his drawals from that treasury for works expenditure, whether on that or on any other work, will come under the operation of a letter of credit.

(3) If it be decided to control expenditure on important Public Works in the manner indicated in sub-clauses (*iv*) and (*v*) of clause (2) above, it should then be considered whether it is practicable to introduce a similar system of control at the treasuries over drawals for other important classes of non-recurring expenditure either by a system of letters of credit or by an elaboration of the existing system of check against grant.

M. F. GAUNTLETT.

The 11th December 1918.

—	Imperial.								Provincial.							
	1913-14.		1914-15.		1915-16.		1916-17		1913-14.		1914-15.		1915-16.		1916-17.	
	Net grant.	Expenditure.	Net grant.	Expenditure.	Net grant.	Expenditure.	Net grant.	Expenditure.	Net grant.	Expenditure.	Net grant.	Expenditure	Net grant.	Expenditure.	Net grant.	Expenditure.
Public Works Department charges except 45—Civil Works—Imperial and 49—Irrigation.																
Bengal	1,130	1,118	1,544	1,501	1,269	1,245	1,108	1,094	9,020	8,755	11,908	11,580	8,346	8,027	6,900	6,749
Bombay	6,618	6,664	6,749	6,743	6,127	6,012	5,045	4,929	13,178	13,126	12,940	12,809	9,929	9,919	9,728	8,728
Madras	1,573	1,539	1,716	1,650	1,523	1,502	1,276	1,255	11,982	11,669	13,803	13,288	10,452	10,699	10,493	10,370
Punjab	5,236	5,098	5,425	5,396	6,058	6,086	6,067	5,980	12,113	11,738	11,760	11,585	10,656	10,503	9,571	9,234
United Provinces	1,844	1,929	1,753	1,779	2,040	2,056	1,330	1,364	9,672	9,367	10,690	10,567	10,390	10,095	9,602	9,293
45—Civil Works																
Bengal	1,532	1,489	1,184	1,168	880	858	798	781								
Bombay	825	850	1,280	1,208	1,069	1,028	994	949								
Madras	241	187	257	250	359	352	131	126								
Punjab	640	624	577	557	413	398	276	252								
United Provinces	804	737	879	682	697	639	352	290								
49—Irrigation																
Bombay	118	26	350	354	285	277	234	237								
Madras	376	360	783	753	768	750	628	607								
Punjab	9,528	9,264	7,495	7,112	4,614	4,244	3,659	3,386								
United Provinces	1,254	1,215	1,029	1,035	999	937	749	657								

ANNEXURE VI.

LIST OF ADDED MEMBERS.

BENGAL.

Hon'ble Mr. W. A. IRONSIDE.
Hon'ble Mr. P. C. MITTER, C.I.E.

BOMBAY.

Mr. P. J. MEAD, C.I.E., I.C.S., Director of Industries.
Hon'ble Mr. N. M. SAMARTH.

MADRAS.

Hon'ble Mr. N. E. MARJORIBANKS.
Khan Bahadur MUHAMMAD HABIBULLAH, Sahib Bahadur.

BIHAR AND ORISSA.

Hon'ble Mr. E. H. WALSH, C.S.I., I.C.S., Member of the Board of Revenue.
Hon'ble Raja RAJENDRA NARAYAN BHANJ DEO, of Kanika.

PUNJAB.

Hon'ble Mr. H. J. MAYNARD, C.S.I., I.C.S., Financial Commissioner.
Raja NARENDRA NATH.

UNITED PROVINCES.

Hon'ble Sir H. VERNEY LOVETT, K.C.S.I., I.C.S., Senior Member, Board of Revenue.
Hon'ble Raja Sir MUHAMMAD ALI MUHAMMAD KHAN, K.C.I.E., Khan Bahadur, of Mahmudabad.

ASSAM.

Mr. W. J. REID, C.S.I., I.C.S., Commissioner, Surma Valley and Hill Districts.
Hon'ble Rai GHANASHYAM BARUA Bahadur.

CENTRAL PROVINCES.

Mr. J. T. MARTEN, I.C.S.
Mr. M. V. JOSHI.

ANNEXURE VII.

LIST OF WITNESSES.

OFFICERS SERVING UNDER THE GOVERNMENT OF INDIA.

Hon'ble Mr. A. Sharp, C.I.E., Educational Commissioner with the Government of India.

Dr. H. H. Hayden C.I.E., D.Sc., F.R.S., etc., Director, Geological Survey, India.

Mr. J. Mackenna, C.I.E., I.C.S., Agricultural Adviser to the Government of India.

Sir John H. Marshall, Kt., C.I.E., M.A., Litt.D., F.S.A., Director-General of Archaeology.

Hon'ble Major-General W. R. Edwards, C.B., etc., I.M.S., Director-General, Indian Medical Service.

Mr. G. S. Hart, C.I.E., Inspector-General of Forests.

BENGAL.

Name of Witness.	Name of Association (if any) represented.
Hon'ble Mr. J. H. Kerr, C.S.I., C.I.E., Chief Secretary to the Government of Bengal.	
Hon'ble Major-General W. H. B. Robinson, C.B., I.M.S., Surgeon-General with the Government of Bengal.	
Lieut.-Colonel J. T. Calvert, M.B., etc., I.M.S., Principal and Professor of Medicine, Medical College, Calcutta.	
Mr. J. C. K. Peterson, I.C.S., Director of Industries.	
Mr. L. Birley, C.I.E., I.C.S., formerly Secretary to the Government of Bengal, Revenue Department.	
Mr. L. S. S. O'Malley, C.I.E., I.C.S., Secretary to the Government of Bengal, General Department.	
Hon'ble Mr. W. C. Wordsworth, Director of Public Instruction.	
Dr. C. A. Bentley, M.B., D.P.H., Sanitary Commissioner, Bengal.	
Ven. W. K. Firminger, Archdeacon of Calcutta.	
Mr. C. P. Walsh, Secretary to the Government of Bengal, Public Works Department.	
Sir B. C. Mitter, Kt.	British Indian Association.
Mr. H. Langford-James	Bengal Chamber of Commerce.
Hon'ble Mr. W. E. Crum, Member of the Bengal Legislative Council.	Bengal Chamber of Commerce.

BENGAL—*contd.*

Name of witness.	Name of Association (if any) represented.
Mr. B. Chakravarti	Bengal Landholders' Association.
Hon'ble Sir R. N. Mukharji, K.C.I.E., Member of the Legislative Council, Bengal.	
Mr. Williams, Vice-Chairman, Port Commissioners, Calcutta.	
Hon'ble Kumar S. S. Roy, Member of the Legislative Council, Bengal.	Northern Bengal Zamindars' Association.
Mr. J. H. Rundlett	Anglo-Indian Association.
Hon'ble Mr. H. P. Duval, I.C.S., Legal Remembrancer and Secretary to the Government of Bengal, Judicial Department.	
Rai Srinath Pal Bahadur	Bengal National Chamber of Commerce.
Babu Iswar Das Jalan	Marwari Association.
Mr. B. L. Mitter	National Liberal League.
Raja Manilal Singh Ray of Chakdighi.	
Sir H. Farrington, Bart., Conservator of Forests	
Khan Sahib Abdul Rahim	Central National Muhammadan Association.
Hon'ble Sir N. R. Sarkar, Kt., M.D., Member of the Legislative Council, Bengal.	
Maulvi Amir-ud-din Ahmad	Provincial Muhammadan Association, Dacca.
Rev. Dr. G. Howells, Calcutta University.	
Babu H. N. Dutt	Provincial Congress Committee, Calcutta.
Hon'ble Raja Hrishikesh Laha, C.I.E., Member of the Legislative Council, Bengal.	
Hon'ble Maulvi A. K. Fazl-ul-Haq, Member of the Legislative Council, Bengal.	
Hon'ble Mr. Amin-ur-Rahman, Member of the Legislative Council, Bengal.	
Hon'ble Babu Surendra Nath Ray, Member of the Legislative Council, Bengal.	
Mr. N. K. Basu	Indian Association
Hon'ble Mr. F. A. A. Cowley, Secretary to the Government of Bengal, Irrigation and Marine Departments.	
Mr. T. E. Welby	European Association.
Hon'ble Nawab Saiyid Nawab Ali Chaudhuri, C.I.E., Additional Member of H. E. the Viceroy's Legislative Council.	
Rai J. N. Mazumdar Bahadur.	
Hon'ble Mr. J. Donald, C.I.E., I.C.S., Secretary to the Government of Bengal, Finance Department.	
Saiyid Muhammad Masih	Bengal Presidency Moslem League.

BOMBAY.

Name of witness.	Name of Association (if any) represented.
Hon'ble Mr. J. G. Covernton, C.I.E., Director of Public Instruction.	
Col. W. E. Jennings, M.D., C.M., D.P.H., F.C.P.S., I.M.S., Surgeon-General with the Government of Bombay.	
Lt.-Col. S. C. Evans, M.D., C.M., I.M.S., Obstetric Physician, J. H. Hospital, and Professor of Midwifery, Grant Medical College.	
Mr. F. St. J. Gebbie, Secretary to the Government of Bombay, P. W. D. (Irrigation Branch).	
Mr. R. M. Maxwell, I.C.S., Deputy Commissioner of Salt and Excise, Northern Division.	
Hon'ble Mr. R. G. Pratt, I.C.S., Commissioner, Northern Division.	
Dr. Harold H. Mann, D. Sc., Director of Agriculture.	
Mr F. G. H. Anderson, I.C.S., Settlement Commissioner, Poona.	
Hon'ble Mr. C. V. Mehta, Additional Member of the Bombay Legislative Council.	
Mr. N. M. Joshi	Servants of India Society, Bombay.
Mr. T. R. D. Bell, Chief Conservator of Forests.	
Mr. Bhulabhai J. Desai, Advocate, High Court, Bombay.	
Mr. R. B. Ewbank, I.C.S., Registrar, Co-operative Societies, Poona.	
Sardar Vishnu Narayan Mutalik . . .	Inamdars and Sardars of the Deccan.
Hon'ble Mr. M. A. Jinnah, Bar.-at-Law, Additional Member of H. E. the Viceroy's Legislative Council.	
Hon'ble Rao Sahib Hiralal Desaibhai Desai, Member of the Legislative Council, Bombay.	
Hon'ble Mr. V. K. Patel, Additional Member of H. E. the Viceroy's Legislative Council.	
Mr. R. G. Pradhan, Editor, "Bharat Sevak," Nasik.	
Rao Thakurram P. Kapilram Bahadur, ex-President, Surat Municipality.	
Hon'ble Mr. Raghunath Purushottam Paranjpye, Member of the Legislative Council, Bombay.	
Mr. Subedar Mr. Umar Sobhani, Mr. Jamnadas Dwarkadas, Mr. B. G. Horniman, Mr. S. G. Sharker,	Home Rule League.

BOMBAY—*contd.*

Name of witness.	Name of Association (if any) represented.
Rao G. K. Chitale Bahadur, President, District Local Board, Ahmednagar.	
Hon'ble Rao V. S. Naik Bahadur, Member of the Legislative Council, Bombay.	
Rao S. K. Rodda Bahadur, President, District Local Board, Dharwar.	
Pandit R. Chikodi, Editor, "Vibhakar," Belgaum.	
Mr. H. G. Limaye, Professor of History and Political Science, Fergusson College, Poona, Fellow of the Bombay University.	
Rev. Canon D. L. Joshi	Indian Christian (Protestant) Association.
Mirza Ali Muhammad Khan, Solicitor, High Court, Bombay	Muhammadan Community.
Hon'ble Sir Fazulbhoy Currimbhoy, Kt., C.I.E., Additional Member of H. E the Viceroy's Imperial Legislative Council.	

MADRAS.

Hon. Maj.-Gen. G. G. Gifford, C.S.I., I.M.S., Surg.-Genl. with the Govt. of Madras.	
Mr. C. R. H. Schmidt, Inspector-General of Registration.	
Mr. C. A. Innes, I.C.S., Director of Industries.	
Mr. G. A. D. Stuart, I.C.S., Director of Agriculture.	
Mr. F. R. Hemingway, I.C.S., Registrar of Co-operative Credit Societies.	
Hon'ble Mr. C. G. Todhunter, I.C.S., ex-Commissioner of Separate Revenue and Excise.	
Hon'ble Mr. W. J. J. Howley, Secy. to the Govt. of Madras, Public Works Department.	
Hon'ble Mr. L. E. Buckley, C.S.I., I.C.S., Member of the Board of Revenue Settlement, etc.	
Hon'ble Mr. H. S. Duncan, Director of Public Instruction.	
Mr. S. Cox, Conservator of Forests.	
Hon'ble Rao Bahadur B. N. Sarma Avargal,	Madras Mahajan Sabha and Madras Provincial Congress Committee.
M. R. Ry. T. V. Venkatarama Ayyar Avargal,	
M. R. Ry. Diwan Bahadur L. A. Govindaraghava Ayyar Avargal,	
M. R. Ry. G. A. Natesa Ayyar Avargal,	
M. R. Ry. T. V. Gopalaswami Mudaliar Avargal,	
M. R. Ry. N. Subba Rao Pantulu Garu, B. L. .	Andhra Provincial Congress Committee.

MADRAS—*contd.*

Name of witness.	Name of Association (if any) represented.
M. R. Ry. C. P. Ramaswami Ayyar Avargal, B. L.	
M. R. Ry. A. Rangaswami Ayyar Avargal, B. L.	
Hon'ble Diwan Bahadur M. Ramachandra Rao Pantulu Garu, B. L., Member of the Legislative Council, Madras.	
M. R. Ry. Diwan Bahadur D. Seshagiri Rao Pantulu Garu, B. L.	
M. R. Ry. Rai Sahib A. P. Patru Garu, B.A., B. L.	
The Hon'ble Rao Bahadur V. K. Ramanuja Achariyar Avargal, Member of the Legislative Council, Madras.	
The Raja of Kollengode	Kerala Janmi Sabha.
Mr. H. M. P. Rae	Madras Branch of the European Association.
The Hon'ble Sir Gordon Fraser . . .	Madras Chamber of Commerce
Mr. F. C. L. Worke	
The Hon'ble Yakub Hasan Sahib Bahadur,	South Indian Chamber of Commerce.
Khan Bahadur Muhammad Abdul Kuddas Badshah Sahib Bahadur,	
C. Abdul Hakim Saheb Bahadur,	
M. R. Ry. A. Rangaswami Ayyangar Avargal, B. L.,	
M. R. Ry. S. Venkatachalam Chettiyar Avargal,	
Mr. M. D. Devadas, Bar-at-Law.	
The Hon'ble Yakub Hasan Sahib Bahadur,	Madras Presidency Moslem League.
Khan Bahadur Muhammad Abdul Kuddas Badshah Sahib Bahadur,	
Maulana Abdus Sobhan Sahib Bahadur,	
M. Md. Usman Sahib Bahadur . . .	Honorary Secretary, Muthialpet Muslim Anjuman, Madras.
Mr. H. G. Stokes, C.I.E., I.C.S., Secretary to the Government of Madras, Local and Municipal Department,	
M. R. Ry. Diwan Bahadur Keshava Pillai,	Madras Presidency Association.
M. R. Ry. Pakeer Sami Pillai,	
M. R. Ry. Salla Guruswami Chetti,	
M. R. Ry. Chakre Chetti,	
The Rt. Rev. E. H. M. Waller, Bishop in Tinnevelly and Madura.	
Lt.-Col. C. H. Lett-Palk, I.C.S., Inspector-General of Prisons.	

MADRAS—*contd.*

Name of witness.	Name of Association (if any) represented.
Dr. Krishnaswami Aiyar.	
Rev. W. Meston, B.D.	President, Educational Council of South India.

BIHAR AND ORISSA.

The Hon'ble Mr. E. Lister, C.I.E., I.C.S., Secretary to the Government of Bihar and Orissa, Revenue Department.	
The Hon'ble Mr. T. S. Macpherson, I.C.S., Legal Remembrancer and Secretary to the Legislative Council, Bihar and Orissa.	
Lt.-Col. J. C. S. Vaughan, M B., I.M.S., Offg. Inspector-General of Civil Hospitals, Bihar and Orissa.	
Hon'ble Mr. R. M. Watson-Smyth, Member of the Legislative Council, Bihar and Orissa.	Indian Mining Association.
Hon'ble Mr. S. K. Sahai, Bar.-at-Law, Member of the Legislative Council, Bihar and Orissa.	
Mr. G. E. Fawcus, Director of Public Instruction, Bihar and Orissa.	
Babu Ram Lal Sinha	Bengali Settlers' Association.
Mr. Sachhidananda Sinha, Babu Rajendra Prasad,	Bihar Provincial Association
Hon'ble Maulvi Saiyid Nur-ul-Hasan, Member of the Legislative Council, Bihar and Orissa.	
Babu Ganesh Datta Sinha, Babu Ram Gopal Singh Chaudhri,	Bihar Landholders' Association.
Hon'ble Mr Pringle Kennedy, Member of the Legislative Council, Bihar and Orissa.	
Hon'ble Khwaja Muhammad Nur, Khan Bahadur, Member of the Legislative Council, Bihar and Orissa.	
Hon'ble Mr Mazhar-ul-Haq, Bar.-at-Law, Additional Member of H. E. the Viceroy's Legislative Council.	
Mr. Yunus, Khan Bahadur Sarfraz Husen Khan, . .	Bihar Provincial Moslem League
Hon'ble the Rev. Dr. A. Campbell, D.D., Member of the Legislative Council, Bihar and Orissa.	
Hon'ble Rai Purnendu Narayan Singh Bahadur, Member of the Legislative Council, Bihar and Orissa.	
Babu Suresh Chandra Chakravarti . . .	Orissa Association
Mr. J. A. Hubback, I.C.S., Officer on Special Duty.	

BIHAR AND ORISSA—*contd.*

Name of witness.	Name of Association (if any) represented.
Hon'ble Rai Dwarika Nath Bahadur, Member of the Legislative Council, Bihar and Orissa.	
Babu Shashibhushan Nath	Utkal Union Conference.
Rev. J. G. Dann, Missionary.	
Mr. N. C. Sirkar	Indian Mining Federation.
Hon'ble Babu Gopabandhu Das, Member of the Legislative Council, Bihar and Orissa.	
Hon'ble Babu Bishun Prasad, Member of the Legislative Council, Bihar and Orissa.	
Hon'ble Mr. J. D. Sifton, I.C.S., Secretary to the Government of Bihar and Orissa, Finance Department.	
Mr. F. Trafford, Conservator of Forests, Bihar and Orissa.	
Hon'ble Mr. J. G Jennings, Vice-Chancellor, Patna University.	
Hon'ble Mr. D Weston, I.C.S., Commissioner of Excise and Salt, Bihar and Orissa.	
Hon'ble Mr. J. V. Jameson	Bihar Planters' Association

PUNJAB.

Hon'ble Mr. L. French, I.C.S., Officiating Chief Secretary to the Government of the Punjab.

Hon'ble Mr. J. A. Richey, Director of Public Instruction.

Hon'ble Mr. O. F. Lumsden, I.C.S., Secretary to the Government of the Punjab, Finance Department.

Col. E. L. Ward, I.M.S., Inspector-General of Prisons.

Col. R. C. MacWatt, C.I.E., M.B., F.R.C.S., Inspector-General of Civil Hospitals.

Hon'ble Mr. H. D. Craik, I.C.S., Additional Secretary to the Government of the Punjab.

Hon'ble Mr. D. W. Aikman, C.I.E., Chief Engineer, Public Works Department (Roads and Buildings).

Mr. E. A. A. Joseph, Ex-Director of Agriculture.

Mr. W. F. Holms, C.I.E., Chief Engineer, Public Works Department (Irrigation).

Lt.-Col. D. W. Sutherland, C.I.E., M.D., C.M., I.M.S., Principal, Medical College, Lahore.

Mr. A. C. Woolner, Registrar, Punjab University.

Mr. R. McIntosh, F.S.I., Conservator of Forests.

PUNJAB—*contd.*

Name of witness.	Name of Association (if any) represented.
Hon'ble Rai Bahadur Bakshi Sohan Lal, Member of the Legislative Council, Punjab.	
Hon'ble Mr. C. A. H. Townsend, I.C.S., Director of Industries.	
Rai Sahib Ruchi Ram Sahni, Government College, Lahore.	
Dr. Khalifa Shuja-ud-din	Provincial Moslem League.
Mirza Bashir Ahmad	Ahmadiya Community.
Bhai Shivaram Singh	Khalsa Diwan
Mian Haq Nawaz	Punjab Moslem Association.
Lala Duni Chand, Pleader, Municipal Commissioner.	Indian Association.
Hony. Major Malik Sir Umar Hayat Khan, Tiwana, K.C.I.E., M V.O, of Kalra ...	Punjab Moslem Association.
Mr. C. M. King, C I.E., I.C.S., Commissioner, Lahore Division.	
Rai Bahadur Sundar Das, Inspector of Schools.	
Chaudhri Zafarullah Khan	Ahmadiya Community.

UNITED PROVINCES.

Hon'ble Mr. G. G. Sim, I.C.S., Secretary to the Government of the United Provinces, Finance Department.

Hon'ble Mr. A. C. Chatterjee, I C.S., Secretary to the Government of the United Provinces, Revenue Department.

Mr. J. A H. Way, Commissioner of Excise.

Hon'ble Mr. S P. O'Donnell, C.I.E., I.C.S., Chief Secretary to the Government of the United Provinces.

Hon'ble Col. C. MacTaggart, C.I.E., I.M.S., Inspector-General of Civil Hospitals, United Provinces.

Mr. G. B. Lambert, I.C.S, formerly Inspector-General of Registration, United Provinces.

Mr. A. W. E. Standley, Secretary to the Government of the United Provinces, Public Works Department, Irrigation Branch.

Mr. P. H. Clutterbuck, Chief Conservator Forests, United Provinces.

Mr. Saiyid Nabiulla.

Hon'ble Mr. H. R. C. Hailey, C.I.E., I.C.S., Director of Land Records and Agriculture, United Provinces.

UNITED PROVINCES—*contd.*

Name of witness	Name of Association (if any) represented.
Shekh Habibullah	British Indian Association
Thakur Jagannath Bakhsh Singh,	
Hon'ble Nawab Muhammad Abdul Majid, C.I.E., Bar-at-Law,	Agra Province Zemindars' Association.
Raja Raghu Prasad Narayan Singh,	
Hon'ble Pandit Madan Mohan Malaviya,	Provincial Congress Committee.
" " Motilal Nehru.	
Hon'ble Raja Sir Rampal Singh, K.C.I.E., Additional Member of H. E the Viceroy's Legislative Council	
Hon'ble Mr. C. Y. Chintamani, Member of the Legislative Council, United Provinces; Editor of "The Leader," Allahabad.	
Rev. Dr. Garfield Williams.	
Hon'ble Saiyid Wazir Hasan, B.A., LL.B., Advocate, Judicial Commissioner's Court, Oudh; Member of the Legislative Council, United Provinces.	
Hon'ble Saiyid Raza Ali, B.A., LL B, Vakil of the High Court, Allahabad.	All-India Moslem League and Provincial Moslem League of the United Provinces.
Mr. F. C. De La Fosse, Director of Public Instruction	
Capt. D. R. Ranjit Singh, I.M.S.	
Mr. H. Stanley Jevons, Professor of Civil Economics in the University of Allahabad	
Mr. Govind Ballabh Pant, Vakil, Municipal Commissioner, Kashipur (District Naini Tal).	Kumaon Association

ASSAM.

The Hon'ble the Chief Commissioner.	
Hon'ble Mr. J. E. Webster, C.I.E., I.C.S., Chief Secretary to the Chief Commissioner.	
Hon'ble Mr. A. W. Botham, C.I.E., I.C.S., Second Secretary to the Chief Commissioner.	
Rai Sahib Padmanath G. Barua . . .	Ahom Association, Tezpur.
Hon'ble Mr. H. Miller, C.I.E. . . .	Assam Valley Branch, Indian Tea Association.
Hon'ble Col. W. Mason	Surma Valley Branch, Indian Tea Association
Mr. J. McSwiney, I.C.S., Director of Land Records and Agriculture.	
Babu Nabin Chandra Bardoloi . . .	Assam Association.
M. Abdul Rahim Chaudhuri . . .	Surma Valley Muhammadan Zemindars' Association.

ASSAM—*contd.*

Name of witness.	Name of Association (if any) represented.
Maulvi Derajuddin	Assam Valley Muhammadan Association.
Mr Kshitish Mohan Das	People's Association, Sylhet.

CENTRAL PROVINCES

Hon'ble Mr. H A. Crump, C.S I, I.C S, Financial Commissioner.

Hon'ble Mr A. I. Mayhew, Director of Public Instruction.

Mr. A E Nelson, I.C.S., Commissioner of Excises

Mr. A. E. Mathias, I C.S, Registrar, Co-operative Credit Societies

Mr M. Hill, C I E, F L S., Chief Conservator of Forests

Rao R. N. Mudholkar Bahadur, C.I E.

Hon'ble Col. Green, I M S., Inspector-General of Civil Hospitals

Rai D. N Chaudhuri Bahadur, Chairman, District Council, Raipur

Hon'ble Mr S B Tambe, LL. B., Member of the Legislative Council, Central Provinces.

Hon'ble Rao Sahib R. V. Mahajani, LL.B, Member of the Legislative Council, Central Provinces

Rao K. G. Gamle Bahadur.

Mr V. D. Kali	C P and Berar Graduates' Association.
Hon'ble Rao N K. Kelkar Bahadur, Member of the Legislative Council, Central Provinces.	Co-operative Federation
Mr N. R. Alekar	C. P. Provincial Congress Committee.
Mr. M. S Aney	Berar Congress Committee.
Mr. H. D. Coggan	C. P. and Berar Mining Association.

Dr. H. S Gour, LL.D., President, Municipal Committee, Nagpur.

Mr. G. L. Corbett, I.C.S., Director of Industries, C. P.

Rev. J. F. MacFadyen, Offg. Principal, Hislop College

Hon'ble Mr. G. S. Khaparde, Additional Member of H E the Viceroy's Council.

Hon'ble Mr. F S. A. Slocock, C.I.E., I.C.S, Chief Secretary to the Chief Commissioner.

Mr. D. Clouston, B.Sc., Director of Agriculture.

AT DELHI.

Mr. K. C. Roy, Associated Press of India.

DELHI
SUPERINTENDENT GOVERNMENT PRINTING, INDIA
1919